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1922



67TH CONGRESS, }  
2d Session. }

SENATE.

} REPORT  
No. 836.

U. S. Congress, Senate, Select committee to investigate the Examining  
division of the Civil service commission.

## INVESTIGATION OF EXAMINING DIVISION OF CIVIL SERVICE COMMISSION.

APRIL 20 (calendar day, JULY 25), 1922.—Ordered to be printed.

Mr. STERLING, from the select committee to investigate the examining  
division of the Civil Service Commission, submitted the following

### REPORT.

22-26644 (Pursuant to S. Res. 199.)

Your committee, consisting of five members of the Civil Service  
Committee of the Senate, appointed under Senate Resolution No.  
199, respectfully report as follows:

Said resolution reads:

*Resolved*, That a committee of five Senators, who shall be the members of  
the Committee on Civil Service, be appointed by the President of the Senate,  
and the said committee is hereby authorized and instructed to investigate the  
proceedings of the examining division of the Civil Service Commission, and  
particularly to ascertain whether political influence has been used in said  
examinations and in the making and alteration of grades relating to the same,  
and whether the act of Congress giving preference to ex-service men in ap-  
pointment to office under civil-service regulation has been observed and  
executed.

Said committee is empowered to sit during the recess and sessions of the  
Senate, at such times and places as by it may be deemed advisable, to require  
by subpoena or otherwise the attendance of witnesses and the production of  
books, papers, and documents, except those that have been received by the  
commission under pledge of confidence, to administer oaths, and to employ  
stenographers at a cost not exceeding \$1.25 per printed page, and such clerical  
assistance as may be necessary. All expenses of the committee incurred under  
this resolution shall be paid out of the contingent fund of the Senate on vouchers  
authorized by the committee and signed by the chairman thereof.

Said committee shall report its proceedings and findings to the Senate within  
90 days.

In pursuance of this resolution the committee invited statements  
and communications relating to the proceedings of the Civil Service  
Commission and of the examining division thereof for the purpose  
of ascertaining particularly whether political influence had been  
used in civil service examinations or in the making and alteration  
of grades or ratings of candidates, and whether any act of Congress  
giving preference to ex-service men in the appointment to offices  
under civil-service regulations had been observed and executed.

While complaints of irregular methods and practices by the Civil  
Service Commission and its examining division, for the most part



related to examinations for postmaster appointments, the gradings and recommendations for appointment to various other positions were also called in question by the statements made to and communications filed with the commission.

#### POSTMASTER EXAMINATIONS.

Since they are the subject of most of the complaints, it is proposed first to consider the procedure and result of the examinations for postmaster appointments except those wherein it is alleged that discrimination was made against ex-service men. These are reserved for separate mention.

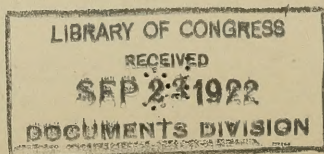
At the first hearing of the committee attention was directed to postmaster appointments at several places with the suggestion, if not the direct charge, that undue influence had been brought to bear to secure the recommendation for appointment, or the appointment of a particular candidate, or a rerating for the benefit of a particular candidate; or that the nominee or appointee was disqualified by reason of immoral conduct, incompetency, or residence elsewhere than within the delivery of the office to which he was seeking to be appointed. The following were designated: Orangeburg, S. C.; Spencer and Oaktown, Ind.; Ironton, Ohio; Fond du Lac, Wis.; Denton, Md.; Lisbon, N. H.; Lenior, N. C.; Brighton, Colo.; Morrisville, Mo.; Onsted, Mich.; Roff, Okla.; Sodus Point and Lake George, N. Y.; and Pottsville and Duncannon, Pa. A number of letters relating to the proceedings in the examination, grading, or appointment of candidates for the position of postmaster at the places named were submitted to the committee (pp. 1-3, hearings).

At the same hearing the committee was requested to inquire into the rerating of the candidate that had been recommended for appointment at Glenwood, Ark.; also to inquire into the methods and manner of the rating and appointment of the candidates for postmaster at Paragould, Prescott, and Marked Tree, Ark.; Central Spring, Mich.; Elizabeth, W. Va.; Avon by the Sea, N. J.; Winchendon and Haverhill, Mass., and Cottonport, La. (See pp. 4 to 8, hearings.) Letters which had been received in regard to certain of these offices were filed with the committee.

At the second hearing of the committee correspondence relative to the appointment of a postmaster at Eustis, Fla., was submitted and made a part of the record of the committee. (See pp. 13-15, inclusive, hearings.) Correspondence was also submitted concerning the appointment of a postmaster at St. Petersburg, Fla., found on pages 16 to 18, inclusive, hearings.

At a third meeting of the committee letters were submitted relative to postmaster appointments at the following places: Gardner and Peabody, Mass.; Beaver, Okla.; Soddy, Tenn.; Decatur, Ark.; and also for the record a memorandum relative to the post office at Pulaski, Tenn.; also letters concerning charges against John W. Overall for trafficking in civil-service appointments. (See pp. 19-27, inclusive, hearings.)

On the same day other letters were submitted relating to the post offices at Leroy and Palestine, Ill.; Plainview, Emmet, Fulton, Alma, Sheridan, Yellville, Atkins, Delight, McCrory, Mansfield, Rogers,





Perry, Monette, and Hackett, Ark.; Kewanee and Lagrange, Ind.; Columbus, Kans.; New Market, Va.; Pottsville, Pa.; Culpeper, Va.; and Roff, Okla.

At a later meeting of the committee letters were submitted relative to the postmaster appointments at Ironton, Dayton, and Troy, Ohio; also letters relative to the postmastership at Natick, Mass., with accompanying newspaper statement, and letters from H. E. Dickinson, F. H. Richardson, John P. Hess, Mrs. Naomi G. Hazel, and I. E. Odom, of Fulton, Ark. (See pp. 31-32, hearings.)

All the statements and letters pertaining to these several offices and which called in question the proceedings of the Civil Service Commission or its examining division in rating, rerating, or certifying for appointment any of the candidates for such offices were submitted to the Civil Service Commission for a statement and report of such proceedings, as shown by the records of the commission. The commission in nearly every case thus submitted made full and complete reply by way of memoranda furnished the committee, which memoranda are set forth in the printed hearings. These memoranda were printed by order of the committee and copies were furnished those Senators who had made statements before the committee or who had filed letters with the committee touching any of the offices in question.

These statements of the Civil Service Commission made from its records are plain and unequivocal, and in the opinion of the committee are, on their face and in nearly every case, a complete answer to any charge of improper, irregular, or unlawful methods or practices on the part of the commission or its examining division.

Many of the complaints made of the action of the examining division or of the commission are based on a seeming misapprehension of the law and of the Executive orders relating to appointments under the civil service, particularly to postmaster appointments and to the rights of ex-service men under the law and Executive orders.

#### THE EXECUTIVE ORDER.

Attention is first called to the Executive order of May 10, 1921, governing examinations and appointments of postmasters at offices of the first, second, and third class. The order is as follows:

When a vacancy exists or hereafter occurs in the position of postmaster at an office of the first, second, or third class, if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications, then the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated the said commission shall certify the results thereof to the Postmaster General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill such vacancy unless it is established that the character or residence of any such applicant disqualifies him for appointment: *Provided*, That at the expiration of the term of any person appointed to such position through examination before the Civil Service Commission the Postmaster General may, in his discretion, submit the name of such person to the President for renomination without further examination.



No person who has passed his sixty-fifth birthday, or who has not actually resided within the delivery of such office for two years next preceding such vacancy, shall be given the examination herein provided for.<sup>1</sup>

If under this order it is desired to make nomination for any office of a person in the competitive classified service, such person must first be found by the Civil Service Commission to meet the minimum requirements for the office.

It must be observed that the Executive order does not contemplate any preference for military service in postmaster appointments, such preference being given only under the order of October 14, 1921, a copy of which is hereinafter set forth. Further, that under the order of May 10 the Postmaster General is required to submit to the President for appointment one of the highest three qualified eligibles. The Civil Service Commission, therefore, having finally certified to the Post Office Department its list of the highest three qualified eligibles, is relieved of further responsibility in the matter and the selection and appointment of one of the three rests with the department and the President.

Among the regulations prescribed by the Civil Service Commission for examinations for offices of the third class are the following:

Candidates for offices having annual compensation from \$1,000 to \$2,200, inclusive, will be assembled for a written examination and will be examined in the following subjects, which will have the relative weights indicated:

	Subjects.	Weights.
1	Business training, experience, and fitness (under this subject, full and careful consideration is given to the candidate's business training and experience. The rating is based upon the candidate's sworn statements of his personal history, as verified after inquiry by the commission. It must be clearly shown that the candidate has demonstrated ability in meeting and dealing satisfactorily with the public).....	50
2	Accounts and arithmetic (this test includes a simple statement of a postmaster's monthly money-order account in a prepared form furnished the candidate in the examination, and a few problems comprising addition, subtraction, multiplication, division, percentage, and their business applications).....	30
3	Penmanship (a test of ability to write legibly, rated on the specimen shown in the subject of letter writing).....	10
4	Letter writing (this subject is intended to test the candidate's ability to express himself intelligently in a business letter on a practical subject).....	10
	Total.....	100

*Age.*—Candidates in competitive examinations for the position of postmaster at an office of the third class must have reached their twenty-first birthday on the date of the examination, and must not have passed their sixty-fifth birthday on the date of the occurrence of the vacancy.

These offices pay a compensation of from \$1,000 to \$2,200 per annum.

In testing the fitness of candidates for offices of the first and second classes, the following regulations are prescribed by the commission:

Candidates for offices of the first and second classes will not be required to report for examination at any place, but will be rated on the following subjects, which will have the relative weights indicated:

	Subjects.	Weights.
1	Education and training.....	20
2	Business experience and fitness.....	80
	Total.....	100

<sup>1</sup> This paragraph was changed by Executive order July 27, 1921, to read as follows: "No person who has passed his sixty-fifth birthday, or who has not actually resided within the delivery of such office for two years next preceding the date of the examination, shall be given the examination herein provided for."



*Age.*—Candidates in competitive examinations for the position of postmaster at an office of the first class must have reached their thirtieth birthday on the date of the examination, and for the position of postmaster at an office of the second class their twenty-fifth birthday on the date of the examination. Those who have passed their sixty-fifth birthday on the date of the occurrence of the vacancy are not eligible to compete for any office.

*Additional information required.*—In addition to the full and detailed information called for by questions 21 and 23 of the application (Form 2241), the candidates are required to furnish the following in connection with each responsible position held by them:

- (a) The number of persons under their supervision.
- (b) The character of the business done by the person, firm, or corporation.
- (c) The volume of business done annually.
- (d) The commercial rating of each person, firm, or corporation.

*Prerequisites—Offices over \$6,000.*—For offices paying more than \$6,000 a year the candidate must show that for at least seven years he has been engaged in occupations in which he has demonstrated ability to organize, to direct, and to manage business affairs to the extent required of a postmaster of the post office for which he is a candidate.

*Offices over \$4,000, including \$6,000.*—For offices paying more than \$4,000, up to and including \$6,000, a year the candidate must show that for at least five years he has been engaged in occupations in which he has demonstrated ability to organize, to direct, and to manage business affairs to the extent required of a postmaster of the post office for which he is a candidate.

*Offices over \$2,200, including \$4,000.*—For offices paying over \$2,200, up to and including \$4,000, a year the candidate must show that for at least three years he has been engaged in occupations in which he has demonstrated ability to conduct the affairs of a business to the extent required of a postmaster of the post office for which he is a candidate.

*For all offices.*—It must also appear in all cases that the candidates have demonstrated their ability to meet and deal with the public satisfactorily.

#### METHOD OF RATING EXAMINATIONS FOR OFFICES HAVING ANNUAL COMPENSATION ABOVE \$2,200.

In examination for offices having annual compensation above \$2,200 the rating on the education and training of the candidate will be determined from the information furnished in answer to question 21 of the application, as follows, and upon corroborative information:

*“Question 21.*—Submit a complete statement of your education and training, giving the names of the institutions at which you have studied, the length of attendance (with dates), the courses of study pursued, and the degrees, if any, conferred.”

The rating on business experience and fitness will be determined by the character and extent of the business experience of the candidate as shown, first, by his answer to question 24 of the application, which reads as follows:

*“Question 24.*—State fully and in detail all the practical experience you have had in any profession, occupation, or business of a character tending to qualify you for the position of postmaster. State (a) dates when employed; (b) where; (c) name and address of employer; (d) salary or compensation received; (e) the specific nature of your duties in each employment. The following information concerning each commercial position held by you should also be furnished: (a) The number of persons under your supervision, if any, and the character of the work done by these persons; (b) the character of the business done by the employing person, firm, or corporation; (c) the volume of business done annually; (d) the commercial rating of the employing person, firm, or corporation; (e) your relation to other employees holding supervisory positions, if any.”

And, second, by a careful investigation of each candidate by the Civil Service Commission. The investigation covers two purposes, namely, first, full inquiry as to each candidate's suitability and fitness for the office by reason of his character and personal characteristics, and if he is found unsuitable by the commission as a result of such inquiry he, of course, will not be declared eligible; the second purpose of the investigation is the same careful inquiry from persons best qualified to know of the business qualifications, ability, and experience of each candidate, the report of such inquiry to be confined to the findings of facts and to be made a part of the evidence and record upon which the commission rates the candidate.



But, taking the cases in their order as hereinbefore set forth, except the first, which is reserved for separate statement, the committee invites the attention of Senators to the memoranda with a brief statement as to the issue involved in each case, and the opinion of the committee as to the propriety and justice of the findings of the commission. It will be understood that the pages given have reference to the page or pages of the hearings.

First is the case of the post office at Spencer, Ind., (p. 33): Mr. Lyman D. Heavenridge had the highest rating and was nominated by the President for confirmation by the Senate. It was claimed that he had been qualified by the commission over the decision of the examining board, when, in fact, he is afflicted with locomotor ataxia and is physically unable to perform the duties of postmaster; that he had been "recommended by the organization." The report of the commission in this case ought to, it seems to the committee, satisfy any reasonable person that the commission did not overrule the examining board in qualifying Mr. Heavenridge for the place; that he is not afflicted with locomotor ataxia; and that he was not recommended by any political organization, although representations were made in behalf of another candidate; also that he was the best qualified of the highest three eligibles.

Ironton, Ohio (p. 34), was a case where the examination was held September 6, 1921, followed by investigations by personal representatives who interviewed 28 of the leading business men and citizens of Ironton as to the character and business experience of nine different candidates. The Post Office Department asked that the Ironton examination be rated promptly. The result of the examination was forwarded to the Post Office Department under date of November 3, 1921. Here the charge was made that the appointee had been "recommended by the organization"; that a former assistant postmaster had been removed for cause; and the examiners refused to recommend his qualification on that ground and because his vouchers were unsatisfactory; but that the commission overruled the recommendation of the examining board and held the applicant qualified.

The memorandum of the commission in regard to the considerations which justified the commission in placing Mr. Abele among the three eligibles is very full and complete. Under the statement of facts made by the commission we think it was fully justified in placing Mr. Abele in the list. While he stood lowest of the three, having a rating of 74.20, the matter of his selection for the position was for the President to determine.

Fond du Lac, Wis. (pp. 36, 188): Charge of immoral character against Mr. Kraemer, the appointee. This case is very fully discussed. While the charge made by Mr. Fred Kastorff against Mr. Kraemer is by affidavit and is quite specific, alleging one instance of gross immorality, the report of the commission shows that the general sentiment of leading citizens and business men of Fond du Lac as found by inspectors who visited that city and made personal investigation is favorable to Mr. Kraemer. There was no evidence whatever corroborating the charge of Mr. Kastorff; the charge was emphatically denied by Mr. Kraemer. Moreover, Mr. Kastorff later wrote a letter which in effect repudiates the statements of his affidavit, and although he subsequently stated that the facts set forth in his affidavit rather



than the letter were true, under the conditions your committee is of the opinion that the commission was fully justified in giving Mr. Kraemer, after a second investigation of the charge against him, a place on the eligible list.

Denton, Md. (pp. 43, 182) : In this case the charge was made that Mr. Samuel G. Nuttle, the appointee, who stood second on the list, as county treasurer for Caroline County for the years 1906 to 1910 was short in his accounts in the sum of \$2,500, which shortage was discovered by auditors employed by the county in 1918; and that the deficiency found was still unpaid by Mr. Nuttle, it being stated that Mr. Nuttle pleaded the time limit as reason for not making payment.

There is no statement or evidence to show that any action was ever brought against Mr. Nuttle by Caroline County to recover the amount of the alleged shortage. The investigation made by the commission seemed to show a great preponderance of evidence in support of the good reputation, honesty, good habits, and morals of Mr. Nuttle. One of the references, given by the rival candidate, who seemed to have heard that Mr. Nuttle had been short in his accounts, stated, according to the commission, that "no dishonesty was suspected but the discrepancy was supposed to be due to bad management." While your committee is of the opinion that the commission should have made a more exhaustive inquiry into this case, yet, considering the source of the charge made and also what seemed to be the general opinion of the honesty and integrity of Mr. Nuttle as entertained by his neighbors and fellow citizens, the committee do not believe the commission subject to censure for giving Mr. Nuttle a place on the eligible list.

Lisbon, N. H. (pp. 37-38) : Charged that a dentist without business experience was qualified over the recommendation of the examining board. The dentist, James E. Collins, the third eligible, was nominated by the President. The committee respectfully invites earnest attention to the report of the commission in this case. There can be no question as to the eligibility of Doctor Collins for the place.

Lenoir, N. C. (pp. 44-45) : Charge that a physician was qualified in spite of the fact that the examining board had refused to recommend him because of lack of business experience and because of bad vouchers.

It appears from the memorandum of the commission that the examiners of the commission who first considered the cases of five applicants for this post office recommended but two eligibles. But under the Executive order of May 10, 1921, the President and the department are entitled to have three eligibles for consideration, and the commission gave attention to the case with a view to ascertaining whether one of the remaining three candidates could properly be certified as eligible. The charge that there were any "bad vouchers" against Doctor Goodman is denied. Sixteen representative citizens and business men of Lenoir were examined in regard to Doctor Goodman, and after full consideration the commission determined that he was entitled to a place on the eligible list. But, in any event, Doctor Goodman was not selected by the President and the place went to Mr. John C. Smith, the second eligible certified by the commission



and who was entitled to military preference. This would clearly show that the appointing power had nothing to do with ranking Doctor Goodman among the eligibles, and there is nothing in the record to suggest that the commission was moved by any improper influence in placing Doctor Goodman on the list.

Brighton, Colo. (pp. 45-46): Charge that the appointee was not qualified by examining board because of alleged dishonesty in connection with elections and that the commission without further evidence overruled the examining board.

There were two applicants, Arthur R. Gullette and Clyde L. Hackley. Gullette was given an eligible rating by the examiner who first considered the case, but on review the chief examiner and the commission reached the decision that Mr. Hackley was entitled to an eligible rating, though less than that given to Mr. Gullette. According to the commission the preponderating weight of testimony of landed citizens was decidedly in Mr. Hackley's favor.

The committee is of the opinion that the decision reached on review was correct and that the commission acted most justly in ranking Mr. Hackley as eligible, and that, too, despite the charge of alleged dishonesty in connection with an election 12 years ago. Your committee agrees with the commission that it would not have been justified under the circumstances in giving Mr. Hackley an ineligible rating.

Morrisville, Mo. (pp. 49-50): Charge that only Democrats succeeded in getting on the eligible list at an examination held July 21, 1921, and that at the instance of the Congressman from that district ratings were changed so that a Democrat was lowered a fraction over four points and the Republican, who had the recommendation of the organization, was advanced to the lowest place on the list and appointed.

The examination was held September 24, 1921, and not July 21, 1921; there were seven candidates, of whom six were found to be eligible; appeal on ground that Mr. Becker, who ranked fourth, was a better qualified candidate than Mr. Jones, who ranked third. The review, together with the confidential testimony of representative citizens of Morrisville, placed Mr. Becker third, with a rating of 80.53, the same as on the previous rating; but Mr. Jones on the same review and testimony was reduced to 77.13.

There is nothing whatever to show that the examiner or the commission were influenced by improper motives or that the proceedings were in any respect irregular, or that any mistake was made in reducing the rating of Mr. Jones.

Onsted, Mich. (pp. 39-40): Complaint by Mrs. Verre Roberts. The issue seems to be as to which of the two applicants, Ray G. Turner and Mrs. Roberts, was the better qualified for the place. The ratings were 86.10 for Mr. Turner and 85.33 for Mrs. Roberts. The commission found it clear from the record of the examination that Mr. Turner, because of his more "responsible experience" was better qualified than Mrs. Roberts for the place. The President nominated Mr. Turner, and your committee is unable to say that the commission was not right in its conclusion.

Sodus Point, N. Y. (p. 50): Charge that a reexamination was secured through political influence after Mr. Van L. De Ville had established eligibility.



On the first examination there was but one eligible, namely, Mr. Van L. De Ville, with an average of 89.48. The department requested the commission to announce another examination, with a view to obtaining three eligibles for its consideration. A new examination was held and resulted in five eligibles, Mr. Van L. De Ville being first with a rating of 90.31. The commission's work was done, and it was for the President to determine whether Mr. De Ville or Mr. Carlton H. Topping, with his preference of five points on account of military service, which gave him a rating of 85.60, or Mr. Glenn C. Turner, the third highest eligible, with a rating of 84.90, should be appointed. The certification was made March 23, 1922. No appointment had been made when the memorandum of the commission was filed with your committee.

Oaktown, Ind. (p. 40): Charge by Walter L. Bland that, having established his eligibility, a new examination was ordered to avoid the certainty of his appointment. A sufficient answer to this charge is found in the fact that, as shown by the memorandum of the commission, the new examination was for the purpose of securing three eligibles, and that in the new examination Mr. Bland himself stood first with a rating of 82.90.

Lake George, N. Y. (p. 41): Charge that indictments for serious offenses were pending against Fred F. Hawley, the appointee, and his two sons at the time of the appointment.

Examination August 12, 1921; two candidates; Fred F. Hawley obtained a rating of 90, Fred G. Worden a rating of 78. The commission gave a very full statement showing the qualifications of the respective candidates as found from the examination papers. Aside from the question of his being guilty of any criminal offense, we think the ratings of the commission are not the subject of criticism. As to the charge made, the commission states that so far as it has been able to ascertain no indictment was found against Mr. Hawley and there is no showing that he has ever been charged with any criminal offense, although indictments were found against two sons in connection with the stealing of a registered pouch from the post office some six years ago. The commission had confidential information concerning the two candidates, and no one made any mention of the indictments against the sons of Mr. Hawley except close relatives of Mr. Worden, the rival candidate. In any event the appointee was in no way involved. We see nothing to criticize in the action of the commission in this case.

Roff, Okla. (p. 96): Charge that three Democrats having qualified as the highest eligibles "an effort is being made to reopen the case for the purpose of placing a Republican within the three highest eligibles." On the examination four persons were found to be eligible; two ineligible. William O. Pratt, who makes the charge, was the first eligible, with a rating of 82.28. There was an appeal on behalf of the second eligible, James W. Bohannon. The commission determined upon a personal investigation. The case was recalled from the department for that purpose. Upon the report of the investigators, which meanwhile had been made, there was a re-rating which gave Mr. Bohannon first place with an average of 82.33, and Mr. Pratt second, with a preference right of five points, 79.78. There is nothing to suggest that the investigation was not fairly and honestly conducted.

Pottsville, Pa. (p. 52): Charge violation of the civil-service rules in the selection of Miss Alice A. Krebs. Miss Krebs claimed that she was entitled to the appointment as a promotion by virtue of her position in the classified service. The charge, however, that the civil-service rules were violated is refuted by the concluding statement of the commission, which is: "It is entirely and particularly within the spirit of the civil-service principles to fill vacancies by promotion within the service, and the record of the Post Office Department in recommending promotions to the position of postmaster is enviable." The record shows clearly that Miss Krebs was eligible for promotion to postmaster, and the commission so certified to the department under date of January 18, 1922. This effectually disposes of the charge that civil-service rules had been violated.

Glenwood, Ark. (pp. 59, 143): Examination July 9, 1921; three candidates, William B. Gould, 86.50; Robert A. Jones, 78.40; Perry W. Hampton, 64.70; appeal by Mr. Hampton on ground that he was not given a proper rating on the subject of "business training, experience, and fitness." The office commands a salary of \$1,000. On this appeal the ratings were reviewed, in accordance with the regular procedure, by a different board than the one who considered the papers in the first instance. The result of the review was that Mr. Hampton's rating in the subject of letter writing was increased from 65 to 70 per cent and that his rating in business training and experience was raised from 73 to 85 per cent. This gave him a general average percentage of 70.20. This left two candidates with percentages considerably higher than those of Mr. Hampton. The committee sees no ground to criticize the action of the commission or examining officers.

Paragould, Ark. (pp. 63-66): Charge that there was a mistake in the method and manner of rating and a request that the committee should make inquiry.

There were five candidates, all apparently qualified. The proceedings are fully set out in the hearings. The ratings in this case, as appears from the statement of the commission, were according to relative weights rather than percentages. The commission states in its memorandum as follows: "The examination in this case, as in the case of all other presidential post offices with salaries of \$2,300 and above, consists of ratings in the following elements with relative weights indicated": The elements specified are, "Education and training," with a relative weight of 1; "Business experience and fitness," relative weight of 4; total, 5. In such ratings it was not necessary, under the Executive order of May 10, 1921, that numerical ratings be assigned to candidates who were found not to be among the three best qualified. The commission says: "It is the careful and painstaking consideration and weighing of evidence in the case of each individual candidate that constitutes the rating, not the mere assignment of a numerical percentage."

The examination resulted in certifying Albert S. Snowden, James P. Cathey, and Herschel Neely. The other two candidates were younger men and according to the commission had not had equal responsible positions as the three others. The commission believes that while Mr. Oscar C. Harvey and Mr. Guss H. Powell were qualified for the position they were not equally qualified with the three



whose names were certified for consideration for appointment. The committee sees nothing in the report to indicate that any political or other improper influence was used in the rating given, and there was no evidence whatever to that effect. Your committee are of the opinion, however, that the ratings of all candidates should have been given, and that this would in all cases be the more satisfactory practice.

Prescott, Ark. (p. 61) : Simply a question of the residence of Mr. Jack Grayson, the appointee for this place. The memorandum of the commission sets forth the evidence concerning residence and from which the commission concluded that Mr. Grayson was eligible. The committee can not say that the finding of the commission was not correct. In any event, Mr. Grayson having been appointed at the time of the filing of the memorandum, the case is beyond the jurisdiction of the commission.

Cottonport, La. (p. 70) : In this case no specific charge is made. It was stated in the hearing that there was a letter from Cottonport, La. There were five candidates, all of whom received an eligible rating. The highest was Joseph D. Hebert, an ex-service man, who was nominated by the President for the place.

Eustis, Fla. (pp. 13-15) : Charged that it was the purpose of the Republican organization in Florida to have a Mr. Bishop nominated to be postmaster at Eustis, and that influence was brought to bear on the commission in order that he might be certified as eligible for appointment.

It appears that on first examination Mr. Bishop did not qualify, and accordingly the Eustis case was sent back to the commission for review. This apparently gave rise to the charge or suspicion that improper influence was brought to bear on the commission to certify that Mr. Bishop was eligible. The hearings show the correspondence between Senator Duncan U. Fletcher and the president of the Civil Service Commission in regard to this case. The letter of Mr. Bartlett, president of the commission, of date February 13, 1922, addressed to Senator Fletcher, sets forth the statement of Mr. H. A. Filer, chief examiner of the commission, which refers to the care with which Mr. Filer on review had read the files, and which would justify a rating of 65 per cent for Mr. Bishop in the subject of business training, experience, and fitness. His rating otherwise, added to the five points to which he was entitled on account of military service, gave him a rating of 72.80 and made him eligible for appointment. Although the other candidate, George J. Dykes, attained a rating of 82, the President exercised his power of selection and designated Mr. Bishop for the place. The commission having reviewed the case in the light of the time Mr. Bishop was in the war, his experience otherwise, and his college education was in the opinion of the committee warranted in giving him eligible rating. There is nothing on which to found a belief that the commission was improperly influenced.

St. Petersburg, Fla. (pp. 72, 187) : Charge similar to that in the Eustis case, namely, that it was the purpose of the Republican organization to have Mr. Hanna nominated to be postmaster at St. Petersburg, and that it was apparent that influence was brought to bear on the commission in order that he might be certified as eligible for appointment.

Examination was held August 9, 1921, under which William L. Straub received a rating of 76.80 and Henry L. Ermatinger received 70.40. The papers of Roy S. Hanna, as appears from the letter of Mr. John H. Bartlett, president of the commission, to Senator Fletcher, of date December 17 last, were not given a numerical rating, because it did not appear that his name could properly be placed among those from whom selection must be made under the Executive order of May 10, 1921. For a detailed statement of the facts showing how Mr. Hanna came to receive an eligible rating the committee here sets forth in full the letter from President Bartlett, of the commission, to Senator Fletcher, of date January 12 last:

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, January 12, 1922.

HON. DUNCAN U. FLETCHER,  
*United States Senate.*

MY DEAR SENATOR FLETCHER: We beg to refer to the matter of the examination for postmaster at St. Petersburg, Fla. This examination was handled identically as all our examinations are handled, and when it was presented to the commission attention was particularly invited to the case of Mr. Roy S. Hanna and to a post-office inspector's report under date of May 24, 1916, regarding Mr. Hanna's administration of the post office. Mr. Hanna's case was submitted to the commission for decision as to whether or not the charge in the post-office inspector's report that Mr. Hanna did not devote the required amount of time to the duties of his office was sufficient to disqualify him in this examination. The following is the action of the commission as indorsed on the case at the time of its submission and consideration:

"As to Hanna, if I understand it correctly, the finding herein is that he would easily be eligible were it not for the fact of his resignation after the report of the post-office inspectors in 1916. I do not find any charge in the excerpt from the report of the inspectors that would tend to show disqualification, especially as the adverse recommendation seems to be based on the alleged fact that Mr. Hanna was absent from the office too much. It is matter of common knowledge that back in the years during his postmastership it was very rare for any postmaster, especially of an office approaching this size, to put in anything like seven hours a day. I do not think that the facts shown herein from the report of inspectors are at all sufficient to disqualify him."

In the reference of the case the chief of the examining division had expressed the opinion that in the light of the record of Mr. Hanna, he was not able to recommend eligibility for him. When the case had been acted upon by the commission, as above stated, and came to be written up by one of the clerks who does that part of the work, through purely clerical oversight the indorsement of the commission as to Hanna was overlooked, with the result that Mr. Hanna's name did not appear on the list of eligibles. In this shape the case went as far as the division of appointments in this office, in which division the letter of December 17, 1921, was written to you, stating that the papers of Roy S. Hanna were not given a numerical rating because it did not appear that his name could properly be placed among those from whom selection must be made under Executive order of May 10, 1921, and giving the names of William L. Straub and Henry L. Ermatinger as the two candidates who had been found eligible.

This letter to you of December 17, 1921, was written in the division of appointments of this office, under a misapprehension of the facts due to the clerical error made in the examining division in writing up the case, as above set forth. The case, as thus erroneously written, was even sent to the department, but the chief of the examining division, in checking it, caught the clerical error and at once telephoned the department where it had just a few minutes before arrived, had it sent back, and had the original finding of the commission carried out.

This letter is for the purpose of putting you in possession of all the facts in the case.

By direction of the commission,

Very respectfully,

JOHN H. BARTLETT, *President.*



While the mistake made in regard to Mr. Hanna's rating is regrettable, the committee does not believe that there was error in finally giving him an eligible rating, or that under the showing made the motives of the commission can be impugned.

Gardner, Mass. (pp. 158-160): This is a case where a rival candidate, Arthur G. Mason, charges that he should have been given a higher rating than George L. Minott, and that he would have been if an honest rating had been given the papers. The result of the examination was: George I. Minott, 88.60; Arthur G. Mason, 83; and Richard T. Smart, 73.60. The memorandum in this case makes interesting reading, and your committee believes that Mr. Mason's indiscretions were such as to warrant the commission in giving him a much lower rating, if not to warrant them in keeping him off the eligible list entirely.

Beaver, Okla. (p. 167): At the time of filing its memorandum in this case, April 19, 1922, the report of the investigators had not been received and no ratings had been made. The question is as to whether one of the candidates, who is said to have removed from Beaver after the examination, would be eliminated and another appointed. The commission said, "The residence of the candidate said to have removed from Beaver will be one of the matters brought out in the personal investigation."

Soddy, Tenn. (p. 146): Three names, as a result of the examination, were certified to the President: Luther M. Roberts, with military preference right, 86.13; Thomas J. Welch, 81.60; Homer A. Newman, with preference right, 76.33. The charge made by Mr. Roberts that he had found in the mail boxes of rural-route patrons of Soddy circulars advertising a sale of merchandise of Welch's store, such circulars not bearing any postage, the commission held did not relate to anything within the jurisdiction of the commission. There is nothing to show that the matter was brought to the attention of the commission prior to the certification.

Peabody, Mass. (p. 168): Charged by the present incumbent and a rival candidate that William F. Searle, being eligible No. 1 in the examination, was not a resident of Peabody. We think the commission was fully justified in finding that the charge was not sustained.

Decatur, Ark. (pp. 164, 165): Charged that the certification of eligibles issued by the commission contained as the highest three only Democrats, and that the Post Office Department appointed an acting postmaster who was not one of these three.

The examination held July 9, 1921, gave five eligibles, with Frederick M. Priestly as the highest on the list, with a rating of 87.80, and Thomas T. Priestly, 77.80. In that examination Thomas T. Priestly was marked "Preference due to military service." The commission explains that until the Executive order of October 14, 1921, was issued, granting a five-point bonus to the veterans of the World War in connection with examinations taken by them for presidential postmaster, the commission followed the practice of placing first on the certification of eligibles the names of eligibles who could be accorded military preference in the classified service regardless of the rating obtained by them in the examination, and followed their names with the names of civilian eligibles. Miss Addie Gilbert was nominated in October, 1921. The commission states that Miss Addie

Gilbert, being eligible No. 3, was nominated in October, 1921, "but that the Senate has not yet confirmed her appointment; and that, effective March 1, 1922, the Post Office Department exercised its right, pending action by the Senate, of appointing an acting postmaster at Decatur, the term of the incumbent postmaster at Decatur having expired some time before," and it is the department, not the commission; that made Miss Gilbert the acting postmaster. We see nothing irregular in the procedure of the commission in regard to this office.

Dayton, Ohio (p. 92): It is evident that a great deal of publicity has been given to this case, and the suggestion, if not the direct charge made, that the commission were improperly influenced in the designation of Dr. Linden C. Weimer as one of the first three eligibles.

There were 12 applicants for the position. The case was of such importance that the chief of the division of investigation and review of the Civil Service Commission, and the post-office inspector in charge of the Philadelphia, Pa., division, were assigned to make investigation. According to the memorandum of the commission, 35 representative citizens were interviewed and a report "of 158 pages of single-space typewriting was submitted to the commission in September, 1921." The memorandum sets forth in full the procedure followed, and gives the reasons therefor. As a result of the examination and of the investigations made, the three eligibles were given ratings as follows: Forest L. May, 82.20; John R. Flotron, 81.20; Linden C. Weimer, 80. Quoting from the memorandum, the commission says:

In the rating of an examination for presidential postmaster it is necessary, of course, to weigh one candidate against another. It is not always an easy task to do this on the evidence presented in a case; but it seemed to the commission after going over all the evidence before it concerning all the candidates that Messrs. May, Flotron, and Weimer were the highest three entitled to eligible ratings, and therefore for consideration for appointment as postmaster.

For the reason that newspaper propaganda had been carried on against Doctor Weimer and against the Civil Service Commission for rating Doctor Weimer among the highest three eligibles, the commission goes into detail concerning Doctor Weimer's training and experience. Your committee is of the opinion that no one can read this statement without being convinced that Doctor Weimer, on account of his business training and experience, the positions of trust and confidence which he has held, and the executive ability he has shown in these several positions, is an exceptionally trustworthy and able man. One witness, a trustee of the United Brethren Publishing Co., states:

I know nothing of Doctor Weimer's ability as a dentist, but I do know that he has a keen business mind, and I wish to testify as to his administrative and executive ability, which he possesses to a very high degree. I make this statement because of my own personal knowledge gained by actual association. There is no question in my mind but that he is fully competent and able to assume the duties of postmaster should he be appointed to this responsible position.

Out of the 35 business men and representative citizens interviewed there was a total of 24 who, according to the commission's report, believed Doctor Weimer was qualified to be one of the three candidates eligible for certification to the Post Office Department.



Your committee has not in this case confined itself to the memorandum furnished by the commission, but has examined the reports of the inspectors, which were furnished the commission without recommendation or comment of any kind upon the part of the inspectors. In addition to the inquiries and answers thereto concerning individual candidates, the inspectors ask the citizens of whom inquiry had been made for their best judgment in regard to the comparative fitness of the several candidates, and it is worthy of note that the inquiries were evidently made of men of the highest standing, such as presidents of banks and the heads of prominent business establishments and professional men. Many of them give Doctor Weimer first place. The great majority give him a place among the highest three. A few say it is difficult to determine which among three or four or five would be the best man for the place. Nearly all speak in high terms of the administration of the office by Mr. May, and it is evident to your committee that the opinions of these leading citizens were entertained and expressed without political bias or influence.

Concerning Doctor Miller, who apparently has fine scholastic attainments, the opinion was expressed by men apparently in a position to know, that he would not be a good postmaster, and the impression is conveyed that he is wanting in initiative and executive ability. He had been superintendent of schools of Dayton, but the board of education were unanimous in electing another man to succeed him.

As to Mr. Ohmer, while all the statements agree that he is a fine young fellow, yet they are for the most part to the effect that he is young, but recently out of college, and either has no executive ability or has not had experience sufficient to acquire it.

Your committee can not agree with the suggestion that certification of eligibles for this appointment was held up in order to give time for Doctor Weimer to qualify. It is to be regretted that the matter was not earlier disposed of, but the contest was evidently a sharp and, in some respects, a bitter one, and the commission was justified in taking time and in weighing carefully the claims of the several candidates. But, as the commission says, if it "had already determined that Doctor Weimer was to be one of the highest three eligibles, the element of time could have no weight in the decision." The vacancy in this office was reported on or soon after July 22, 1921, and the commission announced the closing date for applications as August 8. No business or post-office experience acquired after that date could have been taken into account, and the limited experience acquired by Doctor Weimer between the time he took possession as acting postmaster and August 9 was not worthy of consideration.

On December 14, 1921, the examining board certified to the commission, as follows:

The COMMISSION:

We have very carefully and painstakingly considered the Dayton, Ohio, postmaster examination papers from every angle, and recommend the following:

1. Forrest L. May, 82.20.
2. John R. Flotron, 81.20.
3. Linden C. Weimer, 80.
4. Robert E. Ohmer, not among three highest after bonus is added.
5. Frank W. Miller, not among three highest.

The following are in our opinion not entitled to eligible ratings: Charles W. Noggle, Bert E. Buckley, Harold E. Smock, Frank W. Sheller, Paul H. Ochil-tree.

J. G. YADEN.  
K. C. VIPOND.  
H. A. FILER.

The regular appointment of Doctor Weimer followed this certification.

A complaint was made before the committee of the summary way in which Mr. May on the expiration of his term was required to surrender the office and Doctor Weimer installed therein as acting postmaster. It may have been that the proceedings in this respect were very abrupt and without regard to rules of courtesy or the dignity of the position and the service which had been rendered by Mr. May. The committee is inclined to believe that there was unnecessary haste and abruptness in taking possession of the office, yet this was something wholly outside the jurisdiction of the Civil Service Commission and with which the commission in the nature of things could have had nothing to do. Your committee, in the face of the very open and full statement contained in the memorandum and on examination of the reports of the men who conducted the personal investigation, can not find that the commission was at fault in any of the methods employed in the examination or rating of the candidates.

Troy, Ohio (pp. 134-138): Charged that persons well qualified to fill the postmastership at this place were "arbitrarily denied eligibility" by the Civil Service Commission; also charged by Frank M. Sterrett, candidate for the position, that he was denied participation in the examination on account of his age, whereas he claims that as a veteran of the Civil War he was entitled to a waiver of age limitation.

The examination resulted as follows: Harry B. Carver, average rating of 88.80; John L. Babb (with 5 points military preference), 75.80. The papers of a number of other candidates were not given numerical ratings, because it did not appear that their names could be properly placed among those from whom selection must be made under the Executive order. The commission notes that the application of Lewis E. St. John had been withdrawn by request of the candidate and that the application of Frank M. Sterrett had been canceled because he was over age.

We refer to the memorandum of the commission, in which the qualifications of the several candidates as shown by the examination and by investigations made are fully set forth. It is not seen how there can be any just criticism of the action of the commission in this case. While the examination for postmaster for Troy was pending the Executive order of October 14, 1921, was issued. Under that order waivers of age limitations were limited to veterans of the World War. The Troy case not having come up for consideration before the commission on the date of the Executive order, it was necessary to reject this application, and Mr. Sterrett, it appears, was notified by the Postmaster General of the circumstances which required such cancellation.

Natick, Mass. (pp. 160-162): Charged by L. E. Pulsifer, being one of the candidates and also editor of the Natick Tribune, of discrimination against him in the consideration of answers to the con-



fidential questionnaires sent out to the business men of Natick for a report on the qualifications of the several candidates, of whom there were eight. The highest three eligibles were: Joseph A. Mahan, with an average rating of 82.20; Joseph H. Pratt, 80.40; and Llewellyn E. Pulsifer, 77.20. The commission sets forth quite fully the facts concerning the answers to the various questions submitted to citizens and business men of the community. It is believed by your committee that Candidate Pulsifer's rating was, under all the circumstances, as high as he deserved.

Plainview, Ark. (p. 100): Charge unfair methods in the establishment of eligibility for postmastership at Plainview, with statement that "it is rumored that the nominee paid the committeeman \$200 for favorable recommendation." Mr. Green, the complainant, was given the highest rating, 83.70. Benjamin E. Smith received 82.50 and Burton C. Willard 78.60. Mr. Green has no complaint against the Civil Service Commission. See statement in memorandum of commission relative to the suggestion that the nominee paid the committeeman for a favorable recommendation. This, if true, is something of which the commission evidently had no knowledge.

Emmett, Ark. (p. 101): Charge of nonresidence of Mr. L. N. White, who is an applicant for postmaster. Mr. White had the highest rating of six applicants for the place. He was entitled to 5 points for military service, and his rating was 83.20. He was nominated. Mr. White had made a sworn statement in which he said that his home had been "within the delivery of that office since November, 1917." None of the persons to whom confidential questions were addressed challenged the residential qualifications of Mr. White. We do not see how the commission could have found otherwise than that he was qualified so far as residence is concerned.

Alma, Ark. (p. 107): Charged that the party recommended was not qualified to pass the examination held December 10, 1921, and that "leading business men of Alma have said he was not qualified." As a result of the examination there were five eligibles, of whom Mr. Thomas L. Lansdell, the complainant, received the lowest rating of 71.80. The committee calls attention to the fact that "the commission's files contain no suggestion of a charge or complaint against any of the candidates for the Alma post office," and that a review of the case discloses the fact that each of the three highest candidates, all of whom are now eligible for appointment, made a creditable showing in the written examination, doing better than any of their fellow competitors. At the time of the filing of the memorandum by the commission no nomination had been made for this office, and the commission evidently did not know who would be recommended.

Sheridan, Ark. (p. 99): Charge of the nonresidence of Mr. W. O. Roberts, one of the applicants for postmaster. Two candidates, Robert N. Clark, who received a rating of 75.80, and William O. Roberts, a rating of 74.80. Mr. Roberts was nominated on January 30, 1922. The memorandum of the commission is quite complete on the question of residence and your committee believe that the finding of the commission on that question is fully supported.

Hackett, Ark. (p. 99): Charged by Mrs. Maude Upchurch, one of the applicants, that on the examination of July 9, 1921, she obtained

a rating of 90.20, but that no appointment was made and a new examination was ordered. The case at Hackett is compared with the case at Midland, in which latter case there was but one eligible applicant and instead of announcing a new examination for Midland the sole applicant was appointed postmaster. because, as alleged, he had been recommended by a political convention. The inquiry is, Why was not the same course followed at Hackett?

The commission explain by saying that the Executive order of May 10, 1921, by its terms provides that the Postmaster General shall make certification to the President from a list comprised of the highest three eligibles in any examination and that the Postmaster General may, if he so desires, require a certification to him of three candidates from which to make selection; and that it was presumed that the examination at Hackett did not provide the Postmaster General with a satisfactory choice and that he therefore requested the Civil Service Commission, under date of December 13, 1921, to announce a new examination. This was done. A second examination was held, with the result that Mrs. Upchurch stood second on the eligible list.

The committee finds no fault with the action of the commission.

Yellville, Ark. (p. 102): Charge made by applicant, John H. Thompson, that another applicant, Howell A. Burnes, had not been a resident of Yellville for the required time. Mr. Burnes's application had been canceled pending the establishment of bona fide residence. Upon investigation and on affidavit of Mr. Burnes the commission reinstated his application, and in the judgment of the committee this action was justified.

Atkins, Ark. (p. 103): Charge that James H. Johnson, nominated for the place, charged an ex-service man excessive fees for legal labors in connection with the draft. The memorandum of the commission shows that 28 persons of whom inquiry was made are "practically unanimous that Johnson is a man of good moral character, habits, loyalty, reputation, etc." The commission did not feel called upon to investigate the question as to whether any excessive legal fee had been charged. It is believed that a perusal of the memorandum of the commission will satisfy any impartial person that the attitude of the commission in this regard was the correct one.

Delight, Ark. (p. 104): Charge that Edwin C. Widener, who was nominated for this office, was not "qualified to pass on any subject and that his examination papers will show this." There were three eligibles, in order as follows: H. W. Guise, B. F. Presley, and Edwin C. Widener. The memorandum gives in detail the several businesses and employments in which Mr. Widener had been engaged for a period of 20 years. None of the answers to confidential inquiries made of leading business men and citizens indicated that Mr. Widener was not a suitable man for the position of postmaster. This post office pays a salary of \$1,200. On the showing made the committee agrees that the commission was justified in making Mr. Widener one of the eligibles.

McCrary, Ark. (p. 120): But one applicant, Edward L. Hamilton. Charge is that, failing in his written examination, he was arbitrarily made eligible by a high rating on business experience and fitness. Mr. Hamilton was nominated. The commission reached the conclusion



from the examination and from the confidential inquiries that Mr. Hamilton was qualified for the place, the office paying a salary of \$1,700. No other applicant was wronged by his appointment, and it is strange that the case should be made the subject of inquiry.

Texarkana, Ark. (p. 123): Charge that E. E. Hudspeth, one of the applicants, had been convicted of a serious crime.

Of the three eligibles certified Mr. Hudspeth received the lowest rating, 70.40. William A. Smith received a rating of 88.40, and Martin D. Tilson 78.20. In answer to one of the examination questions, Mr. Hudspeth stated that he had been convicted of a crime, and attached a copy of the court record covering his trial and conviction. The court record showed that in 1907 he had been indicted by the grand jury of Pike County, Ark., and on trial was convicted of aggravated assault. The commission refers to a statement contained in its files bearing the signature of the circuit judge before whom Mr. Hudspeth was tried, in which the writer asserts that although Mr. Hudspeth was convicted before a jury, he, the judge, then thought, and is still of the opinion, that Mr. Hudspeth very probably acted in self-defense in committing the assault for which he was tried. Mr. Hudspeth was afterwards pardoned, the pardon having been obtained, according to a statement of the former Acting Governor of Arkansas who issued it, through the earnest solicitation of about 90 per cent of the citizens of Howard County, Ark., and only after he had personally investigated all the facts; that he had always felt that Mr. Hudspeth's conviction resulted from a miscarriage of justice, etc.

On a review of this case, the committee are in accord with the conclusion reached by the commission, and deplore the fact that under the circumstances, which could have been easily ascertained, it should have been made the subject of inquiry by a special committee of the Senate.

We think it will be agreed that the same observation could justly be made relative to many other cases.

Fulton, Ark. (p. 126): This is also a case of assault. The charge is made that Rosse G. Roberts should not be considered for appointment because he failed to refer in his application to having paid a small fine for assault. The charge is made by one of the rival candidates. The memorandum shows how utterly ridiculous the charge was as a basis for rejecting Mr. Roberts's application for the place.

Rogers, Ark. (p. 97): Charge of disloyalty against Mr. G. B. Cady, the newly appointed postmaster at Rogers. The commission finds that there was no foundation for the charge, and that only 1 out of 24 representative citizens of the town of Rogers to whom inquiries were addressed even hinted that Mr. Cady and his family "were not considered very loyal." The commission simply exhibited good judgment in disregarding the charge.

Perry, Ark. (pp. 128-130): Charge by John L. Hill, of Perry, that applicant, J. L. McLaughlin, having failed in the examination, was rendered eligible for appointment by reason of irregular action on the part of the Civil Service Commission.

It would appear that the rating first given Mr. McLaughlin on business training and experience was 85. The commission, in its

memorandum, set forth verbatim the statements in the applications of both Mr. McLaughlin and Mr. Virgil I. Cragar in regard to education and business experience. The commission were not satisfied with the testimony on which the examiners rated the applicants in the first instance and a further investigation of the case was made. We quote the last paragraph of the statement of the commission :

Questionnaires were accordingly addressed to a variety of responsible concerns of Perry with the result that a gratifying number were promptly returned. An examination of the more complete testimony thoroughly established the wisdom of further inquiry. The tone of the newly developed testimony showed a pronounced improvement in its estimate of Mr. McLaughlin's fitness. The case was again examined in the light of this later information, and upon the basis thereof this applicant's rating on the subject of business training and experience was raised to 85. A present reconsideration of the whole case discloses no inconsistency in this latter rating, and it is felt that Applicant McLaughlin has been accorded no more liberal a rating than the record justifies.

Under the circumstances the committee believe that the finding on further investigation made by the commission was fully justified and there is no evidence of irregular action on the part of the commission.

Kewanna, Ind. (p. 98) : Charge fraudulent practice and favoritism in the establishment of eligibility of Charles J. Sparks. It appears from the statement of the commission that after the examination of candidates for this office it was found that the blank (Form No. 3) on which the candidate was required to set out in detail his experience, training, education, etc., was missing from the files. Nevertheless, taking into account the showing made in his application, the examiners thought he might be equitably rated at 75 in business training and experience. With this rating his average was 80.70, being the lowest of five applicants who took the examination. The commission concluded that it was but just that Mr. Sparks should have an opportunity with others to set forth his business training and experience in the usual way, and he was permitted to do so, with the result that he received a new rating of 88 in business training and experience, the case having meanwhile been recalled from the department and submitted again to the board of examiners. In the new ratings Mr. Sparks stood second with an average of 87.20.

We think the showing made by the commission in this case completely refutes the charge of fraudulent practice and favoritism and shows that the reconsideration of the case was simply in the interests of justice to an applicant who, when opportunity was afforded, showed himself exceptionally well qualified for the position.

Lagrange, Ind. (p. 131.) : This is simply a case where it is alleged that the postmaster had been unjustly removed and a former assistant postmaster improperly reinstated. Of course, it is understood that with removals the Civil Service Commission has nothing to do. The commission shows that while having certain specified jurisdiction in reinstatement cases it has no information as to the name of the assistant postmaster, who, it is stated, is being improperly reinstated. The complaint certainly shows no improper method or practice on the part of the commission.

New Market, Va. (p. 110) : An anonymous letter, suggesting that an investigation be made of the circumstances attending the appointment of a presidential postmaster at New Market. The letter



being anonymous, a proper course would have been to disregard it; but it was submitted to the commission and the statement of the commission shows that on the request of the Post Office Department the order for a competitive examination was canceled; and that upon the request of the Postmaster General the commission consulted the records with a view to determining the eligibility of Mr. C. W. Wickes for the place without such an examination. It was found that Mr. Wickes was within the competitive classified civil service and eligible under the provisions of the President's Executive order of May 10, 1921, for appointment.

Palestine, Ill. (p. 125): Charge that Mr. Elmer C. Nethery, the man selected, was the least qualified for the position of postmaster, and that for political reasons he was arbitrarily placed among the highest three eligibles. The complainant in this case is one of the vouchers for Zelora J. Cawood, the third eligible. The memorandum of the commission in regard to this examination and rating is quite complete, and it is the judgment of the committee that Mr. Nethery was rightly given second place in the list of eligibles; and that the rating given him was not due to political reasons.

Le Roy, Ill. (p. 103): Question of residence, it being alleged by Josephine K. Beckham, one of the applicants, that Edward F. Sargent, who received third place and to whose rating was added 5 points for military service, giving him a rating of 79.40, was not a resident within the delivery of the Le Roy post office. The question seems to have been gone into quite fully by the commission, with the resulting decision that Mr. Sargent was a resident. Your committee believe that the decision of the commission was right.

Marked Tree, Ark. (p. 60): Another case where residence of the appointee was questioned. The commission says, and the memorandum itself shows, that "very careful and detailed inquiry" was made concerning the residence of Mrs. Stark. An impartial consideration of the evidence, as summarized by the commission, will, we think, convince any reasonable person that the commission was right in holding that Mrs. Stark's actual and bona fide residence was at Marked Tree.

Cedar Springs, Mich. (p. 62): Mr. Glen H. Doyle, who, by the aid of 5 points on account of military service, received a rating of 83.28, was appointed by the President and confirmed by the Senate. He was born at Cedar Springs, which was his home continuously until his enlistment in the Army. He owns his home and was temporarily absent for the purpose of obtaining work. He returned every two or three weeks to his home in Cedar Springs, where he received a portion of his mail. His home was not occupied by any person during the period of his employment at Muskegon. He returned permanently to Cedar Springs in June, 1921. The commission could hardly have decided otherwise than that Cedar Springs was the actual home of the appointee.

Southwest City, Mo. (p. 62): Complaint by William F. Stevenson, postmaster, that Clarence B. Robinson was appointed postmaster without having qualified in an examination held for that purpose. Mr. Robinson had been a classified rural carrier for 15 years and his appointment was by way of promotion under regula-

tions made for the purpose of carrying out the Executive order of May 10, 1921. The regulations are as follows:

Any person who has held a position in the classified service for at least three years, resulting from a first-grade clerk, clerk-carrier, or equivalent examination, may be promoted to the position of third-class postmaster without further examination. It is understood, of course, that the commission may inquire into the suitability of such candidate.

The commission advised the Post Office Department that Mr. Robinson met the minimum requirements for the position of postmaster at Southwest City. Post office paid \$1,600, and Mr. Robinson's annual salary as rural carrier amounted to \$1,755.

Elizabeth, W. Va. (p. 73): At the time of the memorandum in this case no ratings had been made. The information received by the commission included charges. The commission therefore ordered personal investigation. At the date of the filing of the memorandum with the committee the report of the investigation had not been received.

Avon-by-the-Sea, N. J. (p. 68): The complaint in this case, if it can be called a complaint, is that a second examination was ordered canceled, and the first ratings were revised, giving the appointee a rating sufficient to pass.

There were two candidates, Mr. William C. Snyder, who received an average of 73.08, and LeRoy Sofield, who received an average of 68.25. However, Mr. Snyder's rating in arithmetic was only 51.25, although he had been postmaster for several years. The result having been sent to the Post Office Department and that department having the right to require three eligibles, the Postmaster General requested a second examination. Meanwhile, Mr. Sofield, not satisfied with his rating in "business training, experience, and fitness," appealed from the former rating. The papers were reviewed by the reviewing board of examiners, with the result, as stated by the commission, that Mr. Snyder's experience rating was lifted to 93 per cent and his general average to 76.08; and Mr. Sofield's experience rating was lifted to 80 and his average to 73.75. The department then determined that it could make selection from the two eligibles and asked the commission to cancel the proposed second examination which had been scheduled for January 14, 1922.

We see nothing in this case with which to charge the commission. The commission set forth the business training and experience of Mr. Sofield, the appointee, which we think shows that in this respect he is well qualified for the place.

Haverhill, Mass. (pp. 56-59): Here it was charged there had been three examinations for postmaster at Haverhill. The commission point out that under the Executive order of May 10, 1921, there has been but one examination. There had been an examination for postmaster under the Executive order of March 31, 1917, but the commission felt it to be its duty to have a new examination under the order of May 10, 1921, and say, "this situation was not peculiar to Haverhill; there were several such cases in the United States." The commission points out the somewhat different standards under the two Executive orders. Under the examination held under the order of May 10, 1921, three names were certified: Clarence B. Le Gagy, with a rating of 82.20; William H. Johnson, with a rating of 79.20;



and George F. McNamara, with a rating of 74.40. After this certification one of the candidates appealed from the decision of the commission on the ground that he had not been given sufficient credit for the business in which he was engaged and for the executive ability he had shown. After due consideration the case was reopened for the purpose of allowing, not a new examination, but a reinvestigation; and as a result of this reinvestigation by investigators who personally visited Haverhill and conferred with both Mr. Babcock and Mr. McNamara and with the citizens of Haverhill, Mr. Babcock was given third place among the eligibles instead of Mr. McNamara. The committee suggests a careful perusal of the memorandum of the commission.

Your committee is of the opinion that the commission in its proceedings in this case acted in entire good faith with a desire to do justice both to the applicants and to the Government, and that the conclusions reached in their ratings were without regard to any political bias or influence.

Macy, Ind. (p. 148): Six candidates for this office. Examination held September 24, 1921; but complaint having been made that the correspondence relating to business training, experience, and fitness did not reveal sufficient accurate information as to the personal characteristics and abilities of the several candidates the commission at the date of filing its memorandum with the committee had recalled the papers from the Post Office Department and directed one of its examiners to make personal inquiry at Macy. The report of the examiners had not at the time of filing the memorandum been received.

Rochester, N. Y. (p. 139): Charge by Mr. James V. Burke that the appointment of John B. Mullan "is the greatest farce known in regard to postmaster examinations." Request is made that another examination be held.

Mr. Mullan, the acting postmaster, was the only applicant who, according to the report of the commission, received a general average of 75 per cent, and on February 17 the commission certified his name to the Post Office Department. Confidential questionnaires were sent to a number of business men of Rochester and the memorandum of the commission sets forth quite fully the replies received. The commission conclude its review of the correspondence with the following:

The statements above quoted indicate the highest possible regard for Mr. Mullan for a \$6,000 postmastership and clearly show the high esteem in which he is held by the leading and representative business men and citizens of Rochester, who are personally concerned in the efficient administration of the local post office.

The examination of candidates for this office was given wide publicity.

We think it apparent that there is no foundation for the charge made by Mr. Burke.

Gurdon, Ark. (pp. 149-151): Claimed by C. R. Marsh, applicant for postmaster, that he and two other Democrats, William H. Atkins and Walter C. Wilson, should have been rated higher than either H. E. Olmsted, Fred H. Price, or J. W. Green, Republican candidates, and that the placing of Mr. Price among the three highest eligibles was the result of false rating.

Mr. Price has an average of 83.30, with preference of five points for military service. Mr. Atkins was rated third, with an average of 76.10; Mr. Wilson was the fifth, with an average of 73.40, five points of which are due to military service. Because of the nature of the charge, the commission sets forth in detail the record of Messrs. Price, Marsh, Atkins, and Wilson, with the offer to submit to the committee the examination papers of the different candidates for inspection of the work done by them in the written tests. Under the circumstances the committee did not deem it necessary to call for these papers, but believe from an inspection of the abstract of the record furnished by the commission and the statements made in connection therewith that the commission was fully justified in the ratings of these four candidates. Mr. Price was nominated by the President for appointment on March 18, 1922.

Bayonne, N. J. (pp. 179-181): Complaint by Theodore Roosevelt Nellis that Mr. Charles H. Conner, one of the candidates, did not have sufficient education or business qualifications to properly administer this office. The office pays \$3,600, and it is said the city has a population of 78,000.

The memorandum of the commission shows that because of the size of the office and the salary paid the commission sent two investigators to Bayonne to make inquiry concerning the business experience and qualifications of the different candidates, of whom there were nine. As a result of the investigation Mr. Conner was placed third among the eligibles, and was so certified to the Post Office Department, and the department recommended Mr. Conner. The commission say:

After considering Mr. Conner's experience, the fact that he has steadily advanced in position, and after considering the favorable testimony concerning his qualifications, the commission not only believed that he was eligible for the position of postmaster at Bayonne but that he stood out from the remaining candidates as entitled to third place on the certification of eligibles. The commission having certified him as one of the three eligibles, the right of selecting one of these three for consideration and confirmation by the Senate rests with the Post Office Department and the President. The commission understands that Mr. Conner was so selected.

Corning, Iowa (pp. 165-167): Charge by A. B. Lewis, rival candidate, of trickery and unfairness in connection with the examination and with the rating given him. It appears that on examination and on inquiry made of 25 leading and representative business men and citizens of Corning that the commission concluded that it did not appear that the name of Mr. Lewis could be placed among those from whom selection could be made under the Executive order. The commission set forth a summary of the evidence in regard to the qualifications of the five candidates—Edgar A. Cupp, Edward F. Gauthier, Joseph R. Cummings, A. B. Lewis, and R. N. Archie. In the opinion of your committee this summary, taken in connection with Mr. Lewis's letter itself, shows that the commission acted wisely in not naming Mr. Lewis as one of the highest three eligibles.

Leslie, Ark. (p. 147): Charge, that two examinations were held for the Leslie office for the reason that the applicant having the indorsement of the Republican county committee failed to attain an eligible rating in the first examination.

There were two examinations in this case, the first January 12, 1921, under the former administration. The findings of the com-



mission under this examination having been certified to the Postmaster General it was optional with that official to make an appointment from the certificate submitted or to request the commission to hold a new examination. The department directed the new examination, which was held with the following result: Maude Fowler Holabaugh received an average rating of 82.55; John Barnes, 73.05; Samuel S. Blair, 71.95; Fletcher P. Graham, by virtue of five points for military service, 71.75; Fred W. Hogg, by virtue of five points for military service, 70.78. However, before an appointee was selected the Post Office Department felt it necessary to investigate the post office at Leslie. Mr. John Barnes was the then acting postmaster who had been certified by the commission as second eligible. Such investigation having been held, the Postmaster General requested that the name of John Barnes be stricken from the eligible register, which, on review of the department's report, was done. Mr. Hogg, one of the complaining candidates, received an eligible rating by virtue of his military service only. The elimination of Mr. Barnes did not put Mr. Hogg in the third place and hence he was not available for appointment under the Executive order. In view of the action taken by the present administration in regard to Mr. Barnes, the complainants have no ground for the charge that he is scheduled for selection as postmaster. We find nothing in the proceedings of the Civil Service Commission to criticize in this case.

Middletown, Ohio (pp 70-71): Complaint because among the 10 applicants not one had been able to get ratings and grades and that the information received was that there was only one eligible, namely, Roy Clark.

The commission set forth the reasons why there was but one eligible. The application of Mr. Martin was canceled because he was under the age of 30 years fixed for that class of post office. Five of the remaining ten applicants, although employed in the post office, one as money-order clerk and the other four as carriers, had not had sufficient supervisory experience to make them eligible for the position of postmaster. The statement is made that the salary of the post office is \$3,400 and that there are more than 30 employees. The sixth applicant was employed as "a sheet roller" for about 25 years in a sheet-steel mill, but his work was of a nature that served in no way to qualify him for the position of postmaster. Of the remaining four applicants one, namely, Mr. Pyrlle G. Banker, made written request that his name be withdrawn from consideration. Twenty-eight representative business men were interviewed by investigators and as a result of such interview it was found that Charles H. Campbell and Philip Menger could not properly be placed on the eligible list under the Executive order of May 10, and so no numerical rating was assigned them. Therefore, as appears from the report of the commission, the only person having an eligible rating was Mr. Roy S. Clark. He received a general average rating of 71.20. It appears to the committee that the explanation made by the commission is sufficient.

Napoleon, Ohio (pp. 144-146): Just a charge by W. A. Ritter, a rival candidate, that he should have been given a higher rating on business experience and fitness than A. E. Augenstein.

The office is second class, paying a salary of \$2,600. Allison E. Augenstein received a rating of 84.80, Charles F. Clay 82.60, Warren

A. Ritter 80.80. Five other candidates were not given numerical ratings for the reason that it did not appear that their names could properly be placed among those from whom selection could be made under the Executive order. In this case the commission gave the result of the confidential questionnaires sent to a large number of leading and representative business men and citizens of Napoleon in the interests of all candidates, with general results as follows: Augenstein, 14 good, 6 fair, 4 noncommittal; Clay, 11 good, 6 fair, 4 noncommittal, 2 say he is unsuited; Ritter, 10 good, 7 fair, 3 noncommittal, 5 unfavorable, who say he is an agitator, cranky, abrupt, unsuited. The memorandum further shows that Ritter in his application states he can not hear ordinary conversation in church or lodge, and draws a pension for partial deafness. While some of the persons say his deafness is slight, others look upon it as serious.

The committee agrees from the information that the charges of Mr. Ritter that he was unfairly rated in comparison with Mr. Augenstein are without justification. The same observation will apply in these last two as in other cases, that in the opinion of the committee the numerical ratings of all candidates should be given.

San Antonio, Tex. (p. 151): Complaint is made by H. E. Dickinson, candidate, that persons with business experience and standing inferior to his own have been rated above him, with the intimation that political considerations influenced the commission in its treatment of the case. There were 16 candidates, the highest three being Joseph W. Fuller, with an average percentage of 86; Jay H. Peairs, with a general average of 71, and who by reason of his military preference was entitled to 5 points, giving him a final average of 76; and Peter G. Lucas, with an average of 75.60. Mr. Lucas was nominated and his nomination confirmed.

The commission in its extended memorandum of this case shows the education, business training, and experience of each of the highest three eligibles in comparison with the education, business training, and experience of Mr. Dickinson. After reading the qualifications of these four candidates, your committee is of the opinion that the commission did not err in not giving Mr. Dickinson a place on the eligible list. In any event, it was a case wherein opinions might differ. The committee sees no reason for impugning either the methods or the motives of the commission in this case.

Cynthiana, Ky. (p. 157): It is charged that the Civil Service Commission was guilty of corrupt practices in qualifying eligibles for the position of postmaster at this place and that Orie M. Howard, an ex-service man, was declared ineligible for postmaster, and a farmer with no business experience was selected.

The commission states that Mr. Howard is not an ex-service man. An examination was held, and as a result of the examination and confidential inquiries the following candidates were certified: James B. Simpson, 80.60; William M. Maffett, with a credit of 5 points for military service, 78; Samuel L. Sherwood, 77. Eligible No. 1 is the present postmaster; eligible No. 2 is the assistant postmaster; eligible No. 3 a man of good education and who has been a successful merchant for 11 years last past. Concerning Mr. Howard the commission says that while he had been a clerk in the post office at Cynthiana since July, 1903, with a gap of 18 months when he was



employed with the Postal Service connected with the United States Army in France, this latter service was not in the military service and gives him no right to a preference, and that testimony "does not indicate that he, Mr. Howard, has had any supervisory experience or has held positions where he worked without supervision and on his own responsibility. The commission is very definitely of the view that he could not be rated as one of the highest three eligibles for appointment." This office commands a salary of \$2,500. Your committee is of the opinion that there is absolutely no foundation for the charge of corrupt practices on the part of the commission.

Condon, Oreg. (p. 133): Charged that one of the candidates, Frank L. Laughrige, had not complied with the requirements as to residence within the delivery of the office for two years preceding the date of the examination.

The commission was justified in finding from the answers to the confidential inquiries sent out by the commission that Mr. Laughrige was a resident. The several ratings for this office were: William E. Wilkins, 76.40, including the 5 points because of military service; John P. Hess 72.53; Frank L. Laughrige 72.10, including 5 points for military preference. Mr. Laughrige was appointed February 14, 1922, and the letter of Mr. Hess of date March 11, 1922, was the first information the commission had from Mr. Hess protesting the residence of Mr. Laughrige. The examination had been held September 10, 1921.

Norwood Station, Pa. (p. 134): In this case Mrs. N. G. Hazell, who was the only person examined, who received a general average of 76.95 per cent, and whose name was certified to the Post Office Department by the commission, states that she believes the appointment is being withheld for political reasons only. Up to the date of the filing of the memorandum her nomination had not been reported, nor had the Post Office Department asked the commission to hold another examination. The commission rightly says: "There is nothing further that the Civil Service Commission can do at this time."

Marysville, Calif. (p. 134): Charged by Mr. Thomas F. Fogarty, the one of the three eligibles that stood No. 1, that he was not given a square deal or consideration for appointment. Mr. Lewis was the nominee. The Post Office Department was within its rights in recommending for appointment any one of the three persons certified to it by the commission, and the commission has no further authority in the premises.

Woodridge, N. Y. (p. 138): A case in which Mr. Harry Masson, who by reason of 5 points for military service was one of two eligibles certified by the commission for this office, writes this committee requesting the committee to use its influence to secure his appointment as postmaster at Woodridge. Of course, this committee is not authorized to do anything of the kind, and Mr. Masson, having been certified as the higher of the two eligibles, has no complaint against the Civil Service Commission.

Franklin, Ohio (p. 140): In this case, Catherine Riley, one of the applicants, is dissatisfied with the action of the commission in failing to include her name among those certified as eligible. Two applicants, namely, Henry E. Libecap and Catherine Riley, are not

assigned numerical ratings for the reason that it did not appear their names could be placed on the list under the Executive order of May 10, 1921. The commission has set out fully the education and business experience of the several candidates, that of Miss Riley included. The three eligibles as found by the commission are: Arthur L. McCarthy, with an average of 82; Donald D. Thirkield, with an average of 76.80; and John R. Miller, with a average of 71.80, including 5 points for military service. Many of the answers to inquiries addressed to 20 leading citizens and business men of Franklin, either do not mention Miss Riley or state that she is not qualified by personality and temperament to serve as postmaster at Franklin. It is believed that the commission made no mistake in not naming Miss Riley as one of the three eligibles.

Blackwell, Okla. (p. 75 et seq.): The only objection to the appointment of Mr. T. H. W. McDowell as postmaster at this place is made by Hon. Manuel Herrick, a Member of the House of Representatives from that district. Mr. Herrick testified at length before the committee. Mr. McDowell is the editor of a paper at Blackwell, and Mr. Herrick, as one ground of objection to Mr. McDowell's appointment, refers to the dingy, dirty, disorderly, and ill-kept print shop run by Mr. McDowell, and also to the fact that Mr. McDowell, in printing the Republican ticket, omitted the name of Mr. Herrick as a candidate for Congress. Mr. Herrick attributes this to the ignorance of Mr. McDowell. The committee, however, is not inclined to share in the belief that Mr. McDowell did not know of Mr. Herrick's candidacy. Mr. Herrick's testimony as to the proceedings of the commission is vague and unsatisfactory. He leaves the impression that the recommendation of Mr. McDowell by the Post Office Department, having been sent to the White House, the Post Office Department was prevailed upon to withdraw it and send it back to the Civil Service Commission. He thinks that the commission refused to review the case, and claims that he saw a statement at the post office to that effect. He does not remember just what the contents of the statement were. He sought to see the President in regard to the matter, but failed to do so, partly on account of the President's absence from the city, and partly on account of Mr. Herrick's illness. Meanwhile, Mr. McDowell's name was sent in and the nomination was confirmed. Mr. Herrick submits copies of correspondence between Postmaster General Hays and Hon. Charles Swindall, former Representative in Congress from Oklahoma; also a letter from Mr. J. J. McGraw to Mr. George W. Perkins, Assistant Postmaster General.

The Civil Service Commission in its memorandum on page 86 of the hearings sums up Mr. McDowell's qualifications as follows:

Mr. McDowell is 58 years of age, is a high-school graduate and school-teacher, and for many years has been owner, editor, and publisher of a newspaper—first in Anthony, Kans., then later as half owner and editor of a weekly paper at Blackwell, Okla., of which he became the sole owner in 1911. He has held some public positions, and the testimony concerning his ability and qualifications is uniformly good. The testimony also is good as to his physical condition. He is spoken of as a successful business man, good executive, tactful, high character, agreeable, well qualified to deal with the public.

Without going into the matter further, your committee is of the opinion that there was no irregular practice on the part of the Civil Service Commission in this case, and that it conducted the examina-



tion and made the ratings and certification in the usual way, George M. Carson receiving an average of 88.80; Frank H. Robertson, an average, with his military service allowance, of 86.60; and Thomas H. W. McDowell, 83. That the Post Office Department recommended and the President appointed Mr. McDowell, the lowest of the three eligibles, is altogether apart from the work or duties of the Civil Service Commission.

Clanton, Ala. (p. 144): Hon. Lamar Jeffers, a Member of the House of Representatives from Alabama, appeared and testified at length before the committee. His statement, including exhibits, is found on pages 113 to 119, inclusive, hearings. Mr. Jeffers does not complain that wrong has been done by the Civil Service Commission in the matter of any particular post-office examination or appointment, but he cites "the third-class postmastership at Clanton, Ala.," as a typical case wherein the Civil Service Commission gave to the ex-service man taking the examination a so-called "Certificate of preference." He refers to the fact that this certificate of preference states on its face that the candidate's claim for preference is allowed, and refers to him as the "preference claimant." In answer to the suggestion that the Civil Service Commission had no authority or direction either under the law or under an Executive order to issue any such preference certificate, Mr. Jeffers said:

If I said that, I would be bringing out criticism on the Civil Service Commission for issuing this certificate of preference, which I have no intention of doing. I take it that the Civil Service Commission, the President's authorized agency, knew what it was doing when it did this. The fact remains that it did do this. Here is a copy of the certificate as issued:

# CERTIFICATE OF PREFERENCE.

## UNITED STATES CIVIL SERVICE COMMISSION,

Washington, D. C., June 22, 1921.

SIR: The following report is made on claim of preference in appointment under the following statute:

"Provided, That the act entitled 'An act to provide for the fourteenth and subsequent decennial censuses,' approved March 3, 1919, so far as it relates to preference in employment of honorably discharged soldiers, sailors, and marines, be amended to read as follows: 'That hereafter in making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere, preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified to hold such positions.'" (Third deficiency appropriation act, approved July 11, 1919.)

Name of applicant, Thomas M. Parrish.

Examination for which he applied, presidential postmastership, Montgomery, July 9, 1921.

As it is shown by the records that the person named is an honorably discharged soldier, the claim is allowed. Failure in examination as well as lack of physical qualifications may prevent any benefit under the act.

Retain this notice and file it with any future application for examination; otherwise, it will be necessary to again submit verification of military record.

U. S. CIVIL SERVICE COMMISSION.

If the name of the preference claimant as it appears on this notice is not identical with the name as it appears on the application for examination, this office should be notified immediately.

THOMAS M. PARRISH,  
Clanton, Ala.

The whole contention on the part of Mr. Jeffers is that neither the Civil Service Commission in making its certifications nor the Executive in making postmaster appointments considered this preference certificate thus issued to an ex-service applicant as in any way binding. Your committee is of the opinion that the statute quoted in the so-called certificate of preference is not applicable, nor was intended to be, to postmaster appointments, and this is borne out by the subsequent Executive order of date October 14, 1921, under which the Civil Service Commission is directed, "in rating the examination papers of such candidates, to add to their earned ratings 5 points and to make certification to the Postmaster General in accordance with their relative positions thus acquired." The idea of the Civil Service Commission seems to have been that in any examination conducted under civil-service rules, whether a post-office examination or one for a clerical or other position in the executive branch of the Government, the ex-service man was entitled to such certificate. The certificate given in the postmaster examination would be evidence which would enable the candidate to claim such preference in any other examination. This certificate may have been misleading when issued to an ex-service candidate for appointment as postmaster and led him to believe that if as a result of the examination he was put on the eligible list, he would have an absolute preference, without reference to the much higher grading of other eligibles. Since the order of October 14, 1921, however, no mistake of this kind could occur.

EXECUTIVE ORDER, OCTOBER 14, 1921.

While the appointment of presidential postmasters is not within the legal scope of the civil service law, and, therefore, as a matter of law, no "preference" is applicable thereto, yet, in order that those young men and women who served in the World War, having their scholastic and business experience intercepted and interrupted thereby, may not suffer any disadvantage in the competition for such postmasterships, I direct the Civil Service Commission, in rating the examination papers of such candidates, to add to their earned ratings 5 points and to make certification to the Postmaster General in accordance with their relative positions thus acquired.

I further direct that the time such candidates were in the service during the World War may be reckoned by the commission in making up the required length of business experience, and that all age limitations be waived.

Gallatin, Tenn. (p. 163) : Gallatin, Tenn., has been referred to as a case where a nonresident has been appointed postmaster, "notwithstanding the fact that there were several excellent Republican applicants for the place who were residents of Gallatin." It will be sufficient to quote the language of the commission's memorandum, found on page 163 :

In January, 1921, under the former administration, the promotion of Mr. Oscar Smith from assistant postmaster at Gallatin to postmaster was proposed by the department to the commission, and the department was advised that he met the minimum qualifications for filling the position. Under the present administration the department first reported a vacancy at Gallatin, Tenn., in connection with reporting vacancies at many other offices and asked for examination. Later, however, the department withdrew its request for examination and again nominated Mr. Smith, the assistant postmaster, for promotion.

Ashland City, Tenn. (p. 163) : In this case it is charged that some individual had paid Mr. John W. Overall money for the appointment as postmaster. The fact is no vacancy will occur at this office until next September, and the department has not requested an examination.



Portland, Tenn. (p. 162) : Portland, Tenn., is another case where it is charged that some individual paid Mr. John W. Overall money for the postmaster appointment. No vacancy will occur at this office until next October, and no examination has been asked for by the department. Neither this nor the case last preceding has come within the jurisdiction of the commission.

Waynesboro, Tenn. (p. 163) : In this case three eligibles, Fielding Baker Hurst with an average of 83.98, Jesse A. Estes with an average of 82.80, and John Daniel Helton with an average of 81.03, were certified. The commission had not been furnished with any information whatever that any one of the three eligibles was under indictment as charged. At the time of the filing of the memorandum of the Civil Service Commission no one had been recommended for appointment to this position.

Pulaski, Tenn. (p. 162) : Another case where had some inquiry been made it would not have been brought to the attention of this committee; a case where one candidate, Mr. Noble C. White, is alleged to have paid a sum of money to Mr. John W. Overall, Republican State committeeman, for the purpose of securing the postmastership at Pulaski. The memorandum furnished by the commission simply shows that Mr. White was not among the highest three eligibles certified to the department. Those certified were William D. Kirkpatrick, with an average per cent of 81.40; William B. Romine, 79.20; Mahlon H. Webb, 78.60. It is not at all likely that the commission could have known of the payment of any money by Mr. White if such was the fact; and if they did know it they were powerless to prevent it; the fact that Mr. White was not among the eligibles shows that neither the commission nor any of the examining division could have been in any way affected by such payment even if made.

McKenzie, Tenn. (p. 148) : Charge that an examination having been held it was found that the eligibles announced "all turned out to be Democrats" and that thereupon the examination was canceled and a new examination ordered for postmaster at that town. One reason conceded for the second examination was that the office became second class after the first examination had been held. An examination was held September 24, 1921, with the result that there were found to be six eligibles, four of whom had had military service. While it had been the practice under the former administration to call for a new examination when an office was advanced to another class, and while at the request of the department a new examination was announced for March 14, 1922, it was done without the case being brought to the personal attention of the commission. The memorandum states that "as soon as it did come to the attention of the commissioners that the first examination had resulted in several well-qualified eligibles, it took the matter up with the Post Office Department and canceled the second examination, the results of the first examination, that of September 24, 1921, being recertified to the Post Office Department.

Orangeburg, S. C. (pp. 42, 181-182) : Charge that the appointee, Mr. Benjamin J. Mixson, as county dispenser of patronage, offered to sell the post-office appointment for Bowen, S. C.; and that the examiners of the commission refused to qualify him on that ground; and that their action was overruled by some one in authority in the commission.

On examination and after confidential inquiry the name of Mr. Albert C. Ligon was placed first on the eligible list and Mr. Alonzo D. Webster second and Mr. Mixson third. Among the 39 citizens of Orangeburg of whom inquiry was made in regard to the fitness of these three candidates there was one who charged Mr. Mixson with having asked for money for his alleged influence in securing appointment to the position of postmaster at Bowman (not Bowen, as stated in the complaint). The commission says that the majority of persons gave favorable testimony. But the commission having learned that Mr. Mixson had sought to dispose of the post office at Bowman for a consideration and that this charge had been investigated by the Post Office Department asked for the report of the two inspectors who made it. It was the commission's judgment on reviewing the report that the evidence was too indefinite to warrant the commission in striking Mr. Mixson's name from the eligible list. In making certification of the highest three eligibles the commission called attention to the report of the post-office inspectors concerning the charge against Mr. Mixson.

On a careful examination in this case your committee are of the opinion that the commission should have declared Mr. Mixson ineligible. While the proof was not convincing, yet it is believed that it was sufficient to create more than a mere suspicion. The report of the two post-office inspectors indicates that it was their belief that Mr. Mixson had sought to procure the payment to him from Postmaster Singletary of the sum of \$300 for his assistance in procuring her appointment as postmaster at Bowman. The inspectors' report concludes as follows:

While it is our opinion that Mr. Mixson's candidacy for the position of postmaster at Orangeburg is all that has caused him to seek out Judge Berry and withdraw his veiled demand for money, yet it is thought that this investigation will prevent further attempts of this nature. The closing of the case is recommended.

The committee is not satisfied with this disposition of the case and do not think the Civil Service Commission should have accepted the recommendation of the post-office inspectors.

It is to be noted that Mr. Mixson having been appointed, the appointment was referred to the Committee on Post Offices and Post Roads, investigated by a subcommittee of three, a majority of whom reported favorably, but that a majority of the full committee were of the opinion that the appointment should be rejected and so voted.

#### RURAL CARRIERS.

Chapel Hill, Tenn. (pp. 21, 163): This is another case where it is charged that money had been paid to Mr. Overall. The committee can do no better than to quote from the memorandum of the Civil Service Commission, found on page 163:

Senator McKellar next refers to the alleged appointment of a rural carrier at Cheap Hill, or Chapel Hill, Tenn., but here he fails to give any names or testimony or evidence indicating that any one of the three persons whose names were certified to the department for consideration in filling the rural-carrier position had paid money to Mr. Overall for any purpose whatsoever. The commission advised Senator McKellar in its letter of September 1, 1921, of the names of these three rural-carrier eligibles who were certified, and that



the department had not reported selection from among the three; and the Senator also was advised of the provisions of law and rules relating to trafficking in appointments, and that "if a prima facie case is submitted to the commission of violation of the Federal statutes relating to trafficking or of the civil-service rules, the commission will submit it to the Department of Justice for prosecution, or take such administrative action as may be appropriate."

The Civil Service Commission has not since heard from Senator McKellar in this connection.

Murfreesboro, Tenn. (p. 164): Another case in which it is alleged that complaint had been made regarding the appointment of a rural carrier at Murfreesboro, but no charge was made and no information whatever furnished which would serve as a basis for inquiry or investigation.

#### COMPLAINTS INVOLVING EX-SERVICE MEN.

Cameron, Tex. (p. 42): Complaint by Mr. Lloyd Mitchell, an ex-service man, that he was not given preference in connection with the selection of a postmaster. This complaint does not lie against the Civil Service Commission. The memorandum shows that by virtue of his credit of 5 points for military service he received the highest rating of 80.20; Green B. Taylor received second rating, 74.40; Mrs. Bessie Finley Hefly received a rating of 72. These names were certified to the Post Office Department in the order named. The President nominated the second eligible, which under Executive order of May 10 he had the clear right to do.

Columbus, Kans. (p. 121): Charge that W. F. Kurtz, an ex-service man, was unfairly treated and that ratings were intentionally withheld by the commission until the Senate had confirmed the appointee. The examination resulted as follows: Nathan W. Huston, average percentage 85.20; William F. Kurtz, 81.60, including five points added for military preference; Emery W. Youngman, 74.80. There were nine other candidates. There was a personal investigation of the applicants. The commission gives a summary of the results of the examination and of inquiries made so far as they pertain to Nathan W. Huston, first on the list, and William F. Kurtz, second. The want of supervisory experience on the part of Mr. Kurtz seemed a deciding factor in giving him second place. In any event, having been certified by the commission as one of the three eligibles the matter of recommending which particular one should be appointed was for the Postmaster General, and, as stated by the commission, "is not within the jurisdiction of the commission."

The committee does not believe that the commission erred in giving Mr. Kurtz second place. The statement of the commission fully explains the delay in rating and making the certification.

Culpeper, Va. (p. 105): The charge before your committee is to the effect that Mr. J. H. Newhouse, an ex-service man, was denied registry arbitrarily through political influence, notwithstanding he made a rating of 84.40.

There is evidently a mistake in regard to the rating of Mr. Newhouse. The rating of 84.40 could not have been on the examination for postmaster. This is borne out by Mr. Newhouse's letter addressed to Senator Robinson and filed with the committee. Mr. Newhouse says: "I have been under civil service working in post

office at Culpeper as clerk when I took the examination and made 84.40." So it was in this examination and not the examination for postmaster that this rating was made. The memorandum of the commission shows that the highest three eligibles were Thomas W. Hendrick, 78.80; Newton S. Ritter, 75; and Otis R. Thornhill, 74. The examination disclosed that notwithstanding his rating in an examination for clerk he was not among the highest three for postmaster, where the elements of education, preparatory training, business experience, and general fitness were all to be taken into account. In regard to these qualifications, the commission further states that the three men certified were better qualified than Mr. Newhouse. But further, Mr. Newhouse, it appears, is not a veteran of the World War. It is to the ex-service men of this war that the President's order of October, 1921, applies.

Duncannon, Pa. (p. 53): Complaint by W. B. Brown that he was treated unfairly in the civil-service examination for this office. The office is third class and there were found to be 10 who received an eligible rating. Mr. Brown, with his credit of 5 points for military service, received a rating of 79.65, being fifth on the list. The commission set forth in detail the ratings of the highest three eligibles in the several subjects on which they were examined, followed by a statement of the business experience of other candidates receiving an eligible rating, including Mr. Brown. Mr. Brown is only 27 years of age. The commission also points out that on July 14, 1920, under the Executive order of the former administration, Mr. Robert M. Barton, who was rated highest under the examination of September 14, 1921, was then rated as the highest eligible, and that among four eligibles at the examination of July 14, 1920, Mr. Brown received the lowest eligible rating. This confirms the correctness of the judgment of the commission in the later examination.

The committee is satisfied from the showing made that there was no unfair treatment of Mr. Brown on the part of the commission.

Mansfield, Ark. (p. 109): Charge that C. B. McDonald, ex-service man, was discriminated against.

Examination held July 9, 1921, with the following eligibles in the order named: Claude B. McDonald, Luther H. Presson, and Charles H. Dixon. The Civil Service Commission say that both McDonald and Presson were certified to the Post Office Department as preference men. The charge that the commission discriminated against ex-service men is therefore untrue.

Mittineague, Mass. (p. 38): Letter of Robert D. Cargile, with newspaper clipping, charging discrimination against John J. Mahoney, who was recommended by war veterans and Secretary of War Weeks. There is also a telegram from the local post of the Veterans of Foreign Wars condemning alleged discrimination against Mr. Mahoney.

Examination held August 26, 1921, with the following ratings: John J. Mahoney, 80.60; Donald A. MacDonald, 79; James H. Buckley (with preference), 75.20. The explanation here is that at the time Mr. Mahoney filed his application the commission was considering claims for preference on the same standard applying to the classified service which accords preference to honorably discharged soldiers, sailors, and marines. Before certification the Ex-



ecutive order of October 14, 1921, was issued, which gave to veterans of the World War a flat bonus of 5 points added to their earned rating. It was on this basis that Mr. Mahoney's claim for preference was disallowed as applying to a presidential postmaster examination, this not being a position in the classified service. The commission point out that the ratings of Mr. Mahoney and Mr. MacDonald are only 1.6 per cent apart. The examination, as well as the confidential inquiry made of citizens of Mittineague, seem to have convinced the commission that there was this difference at least in the fitness of the two men. The President nominated Mr. MacDonald, which he had a clear right to do.

The committee think the charge of discrimination can not be sustained.

Monette, Ark. (p. 130): Inquiry as to why Buren Flannigan was not appointed, he being the choice of patrons of the office and being in every respect eligible. The charge is made that no appointment to this office is to be made until one Guy Langley can establish his eligibility, and if this is true it will mean a discrimination against an ex-service man.

The memorandum of the commission shows that the applications of Mrs. Eva E. Davenport and Mr. Guy H. Langley were canceled because they had not resided within the delivery of the Monette office for the required two years, hence it would appear that there is nothing in the charge that the case was being held up until Mr. Langley could qualify. Two other candidates, Mr. Hancock and Mr. Wilford Flannigan did not take the written part of the examination. The result of the examination was as follows: Mr. Buren Flannigan, 68.70; Mrs. Maud M. Smith, 57.05. Mr. Flannigan being entitled to military preference his name was certified to the Post Office Department. The department exercised its option and called for a new examination, and this examination was held on March 11, 1922, with three applicants—Guy H. Langley, Wilford Flannigan, and Alfred N. Pierce. Mr. Buren Flannigan did not apply for the second examination. Mr. Langley had completed the required two years' residence at the time of filing the application for the second examination. He did not attain the required rating, and the result was transmitted by the Civil Service Commission to the Post Office Department. What the proceedings since have been your committee is not informed, but up until the date of the transmission of the result of the second examination to the Post Office Department we see nothing in the proceedings to warrant the charge of discrimination.

Mount Jackson, Va. (p. 47): Charge by Mr. E. L. Hynes, whose letter to Senator Robinson was filed with the committee, that Hubert B. Moore, an ex-service man, though having the highest grade in the list had his appointment withheld without reason.

Examination held October 8, 1921; five candidates, of whom four received eligible ratings. Mr. Hubert D. Moore with his preference of 5 points for military service stood the highest with a rating of 83.45. Mr. Lemuel B. Wolfe had an earned rating of 81. Notwithstanding the commission had certified Mr. Moore with the highest rating, the President appointed Mr. Wolfe, the second eligible. The commission therefore had nothing whatever to do with the selection

from the eligible list as certified to the Post Office Department, and under the order of May 10, 1921, it was within the discretion of the President to make the selection from the highest three eligibles

Natchitoches, La. (pp. 155-157) : Charge made by Mr. E. M. Barlow that he was informed that his name was second on the list of eligibles and that he was informed later that he was not among the highest three.

For full consideration of this case reference is made to the memorandum. The care exercised by the commission in this case will surely appear therefrom. The following statement is significant :

The commission never at any time placed the name of Mr. Barlow second on the eligible list for postmaster, and never has at any time consulted or was consulted by Representative Aswell as to Mr. Barlow's candidacy or that of any other applicant for postmaster at Natchitoches. The rating of the candidates was made but once and was never reconsidered or changed.

It would appear that full consideration had been given to the fact that Mr. Barlow was entitled to 5 points for military service in addition to his earned ratings and still he could not be named among the highest three eligibles. At the time of filing the memorandum, namely, April 12, 1922, no nomination had been reported to the commission.

New Castle, Del. (p. 72) : Charge of discrimination in the refusal to appoint John P. Murphy, who received the highest rating, of 86 per cent, or Jesse A. McKay who, with preference added received a rating of 79.20, and because Edward H. Naylor, third on the list, with a rating of 71 per cent, was appointed. The certification made by the Civil Service Commission gave the ratings in the order shown. Everybody had notice that under the Executive order of May 10, 1921, the President could select any one of the highest three eligibles. He exercised his discretion in this regard and nominated Mr. Naylor. Whatever may be said of the order or of the action of the Executive thereunder, no charge will lie against the Civil Service Commission or its examining division.

Winchendon, Mass. (p. 69) : Charge of discrimination against Mr. Rutherford, an ex-service man. The highest three eligibles stood : William H. Pierce, 90.40; John G. Rutherford (preference), 80; James J. Hunt, 75.60; examination held August 12, 1921. Mr. Pierce, the highest eligible, had held the position of postmaster at Winchendon for a period of 16 years. The President having the right to select from the highest three eligibles, and the eligibles having been fairly rated, as the committee believes, no fault is to be charged against the Civil Service Commission.

Willow Hill, Ill. (p. 107) : Three persons qualified as follows : Lewis H. Jenkins, with preference, 78.85; Iley Smith, 77.25; Miss Ethel R. Jenkins, 70.10. The Civil Service Commission had apparently with fairness ascertained who were the highest three eligibles, and certified the same to the Post Office Department. It had been charged that Mr. Jenkins had been promised the postmastership at Willow Hill. The Civil Service Commission in the discharge of its duty could, of course, take no cognizance of any such promises, and apparently did not do so.

Bogata, Ill., rural mail carrier (pp. 106-107) : Mr. Lewis H. Jenkins, an applicant for the position of rural carrier, and complainant in this case, stood second of the highest three eligibles first named,



but later, and on January 19, 1922, it was ordered that in examinations for rural mail carrier the practice theretofore followed of establishing registers of eligibles from applicants through the county at large should be abandoned, and that thereafter only persons living within the delivery of the local office should be appointed to the position of rural carrier from that office. This eliminated both Mr. Jenkins and Mr. Ernest L. Ridler from the list. Three other eligibles were certified, from whom the second on the list, Eli Gambriel, was appointed. Mr. Jenkins, it would appear, has no just cause of complaint.

The minute of the Civil Service Commission of January 19, 1922, is as follows:

After careful consideration, the commission has decided to change the present method of certification for rural carriers by discontinuing the county unit entirely and maintaining a local register for each post office having rural delivery. This change is to apply to existing registers as well as to others resulting from future examinations.

Holland, Ark., rural mail carrier (p. 111): Complaint is made by Jesse R. Johnston that he, with other ex-service men, was discriminated against in the appointment of rural mail carrier at Holland. He charges that the man appointed is not only not an ex-service man, but was not even among the first three eligibles. The commission sets forth the regulations governing at the time of the certification to fill the position of rural carrier at this place, as follows:

Certification will be made from a register as it appears on the day on which requisition therefor is received by the commission in accordance with the following: For each vacancy there will be certified the name of the person standing highest on the register who has his actual domicile in the territory supplied by the post office at which the vacancy exists, together with the names of the two eligibles standing highest on the register for the entire county who have not expressed unwillingness to accept appointment at such post office. After due opportunity to become eligible has been given to persons having their domicile in the territory of such office and such persons fail to become eligible the three eligibles standing highest on the county register who have not expressed unwillingness to accept appointment at such office will be certified.

Of the three who were certified it appears that there was no preference eligible residing within the delivery of the Holland office and that the highest local civilian eligible was certified. The certification list was as follows: Marvin F. Stevenson, of Holland, 89 per cent; Earl E. Heffington, of Enola (preference), 86.20; Herbert C. Redick, of Vilonia (preference), 71. The department selected the local eligible who had attained the highest rating in the examination. The committee from the showing made sees nothing to criticize in the methods of the commission in this case. It will be observed that this case fell under the old rule which permitted appointments from the county. It thus differs from the Bogata case.

Pearcy, Ark., rural mail carrier (p. 143): Charged by Mr. Grover B. Hale that his appointment as rural carrier had been revoked and B. F. Langford, to whom the appointment was later offered, is not desirable. The examination, held June 11, 1921, resulted as follows: Grover B. Hale, of Percy (preference), 79.30; Barry F. Langford, of Percy (preference), 73.50; Thomas H. Massey, of Percy, 74.40; Thomas Henderson, of Bonnerdale, 73.30. Later the first three named were certified in the order given to fill a vacancy on route 1.

The department first reported the selection of Mr. Hale, but later revoked this appointment and selected Mr. Langford, stating that it had decided that the interests of the service would be better subserved by the appointment of another eligible than Mr. Hale. This was optional with the department; it could select any one of the highest three eligibles. At the time of filing its memorandum nothing had been received by the Civil Service Commission touching the undesirability of Mr. Langford's appointment save the general statement made by Mr. Hale. If any injustice was done Mr. Hale, it is plainly not due to the action of the Civil Service Commission but in the exercise of the discretion allowed to the Post Office Department in recommending and the President in appointing.

W. C. Allen, of Sevierville, Tenn. (p. 146), charges that a woman was appointed post-office clerk and an ex-service man was ignored.

It appears that Mr. George G. Allen, a preference candidate, received 88.8, but it was a case wherein the department had the right to ask for certification from either the male or female clerk register, and the department requested female eligibles. Miss Juanita Massey, having received a rating of 85.4, was the highest female eligible and was accordingly certified.

There can be no complaint here, the action of the commission having been in accordance with the civil service act and rules.

John B. Allman, of Washington, D. C.: In this case, your committee feels that it can not do better than refer to the statement made by the Civil Service Commission found at pages 127-128. Mr. Allman made application for agent under the antinarcotic act. His qualifications for the place are set forth in detail in the commission's memorandum. The only comment the committee cares to make is that Mr. Allman's want of knowledge of criminal investigation and procedure under this act was such as to justify the commission in denying him eligibility for appointment.

E. S. Bettelheim, jr., Washington, D. C.: Mr. E. S. Bettelheim, jr., chairman of the national legislative committee, Veterans of Foreign Wars, charges that the Civil Service Commission took several months to establish eligible registers, and refers to using up an old register before a new one is established—auditor, for instance. The commission discusses the subject fully, page 131-133. To this discussion the committee may add its general conclusion that nothing is found in the entire record to show that the Civil Service Commission has discriminated against the ex-service men or veterans of foreign wars. The commission has always allowed 5 points for service to ex-soldiers in postmaster examination, and given military preference in other examinations, and the committee agrees with the commission that the complaints of Mr. Bettelheim are not justified. Causes for any delay in establishing eligible registers in what is termed examinations of a nonassembled type are explained in the statement of the commission.

E. M. Davis, of Washington, D. C. (p. 51): Mr. E. M. Davis, 813 Mount Vernon Place, Washington, D. C., claims to have had from personal knowledge information that he feels sure will be of interest in civil-service inquiry as to appointment to Government positions and claims of preference for honorably discharged soldiers and sailors. Mr. Davis did not appear before the committee nor furnish the



committee any of the alleged information. The committee is disposed to doubt his ability to furnish any specific information which would be of value.

Asa W. De La Vergne, Washington, D. C.: Mr. Asa W. De La Vergne, an ex-service man of the District of Columbia, charges that men without civil-service status have been placed in positions while he has been kept out, due to personal reasons. The commission explains his case on pages 109-110, hearings. Mr. De La Vergne received a rating of 98 per cent, with veteran preference, as lithographic transferrer, and went on the register March 25, 1921. The position involved was one in the Weather Bureau paying \$1,200 a year, and the announcement for the examination stated what the entrance salary would be. Mr. De La Vergne asked for \$1,600 per annum. In March, 1922, Mr. De La Vergne was again certified as No. 1. to a similar position at \$1,200. At the date of filing the memorandum the bureau had not made its selection. As to the charge that men are placed in positions without civil-service status, Mr. De La Vergne furnishes no list of positions or the names of persons, and there is nothing on which to base an investigation. It is well known that there are some Government positions outside the civil service, and temporary appointments are sometimes made pending the establishment of a register of eligibles. The committee does not believe there is any ground for the charge that Mr. De La Vergne has been kept out of the service for personal reasons.

I. S. Prenner, Philadelphia, Pa. (p. 50): In the case of Mr. I. S. Prenner, spoken of as a technical patent expert, it is very evident from the memorandum filed by the commission that he can have no complaint against the commission. He was a successful competitor in three examinations for positions in the service of the War Department, was granted military preference, and was certified several times to different positions in the service of the War Department, but was not selected. The commission performed its whole duty in giving Mr. Prenner a fair examination and in according him the military preference due him, and in certifying him as one of the eligibles. The fault in Mr. Prenner's case, if any, lies with the department to which he was certified.

A. E. Stevens, Washington, D. C. (p. 51): Concerning the complaint made by Mr. A. E. Stevens that his brother, Edward A. Stevens, an ex-service man, had not received an appointment after he had qualified, it may be said that his letter does not disclose any failure or default in any matter of which the commission has jurisdiction.

Earl S. Bishop, Baltimore, Md. (p. 47): Charges that in the selection of Mr. Donald B. Bradner as civilian chief of the chemical research and development division at Edgewood Arsenal others better qualified were discriminated against. The commission in this case sets forth quite fully the standard entrance requirements for the position of chemist at the arsenal, this being the "main laboratory and experimental station of the Chemical Warfare Service of the United States." Mr. Bradner's name was not presented by the War Department for noncompetitive appointment, and he entered the competition with every other person and attained a rating which placed him among the highest three eligibles for permanent ap-

pointment. That he was not appointed does not appear to have been due to any fault of the Civil Service Commission.

George W. Dooley (pp. 67-68) : A letter from George W. Dooley making complaint because he was not appointed to the position of superintendent in the office of the United States appraiser of merchandise, customs service, Philadelphia, at a salary of \$1,800. Mr. Dooley was nominated by the appraiser for temporary appointment. The recommendation was indorsed by the secretary of the third civil service district and transmitted to the Secretary of the Treasury. Later the commission returned eight applications which had been given a preliminary rating on experience, but that of Mr. Dooley was retained in the commission's office "owing to an unfavorable voucher, which seems to cast doubt on the veracity of some of his claims." An investigation followed, from which it was found that his experience was favorable, and he was given a rating of 70 per cent in that subject, but on general eligible averages Mr. Dooley, it appears, was the lowest among six persons. The highest three, all of whom were entitled to preference because of military service, were certified, and the appraiser of merchandise having recommended the appointment of one of these, the appointment was made. There seems to be absolutely no ground for Mr. Dooley's contention that he was discriminated against. The district secretary surely did not, for the reason that he approved the nomination made by the appraiser for Mr. Dooley's temporary appointment as superintendent. Neither had the district secretary anything to do with the ratings of any subject on the examination. A final and conclusive reason for not certifying Mr. Dooley for appointment was that he was not an ex-service man; for an appointment of this kind, not being a postmaster appointment, those entitled to military preference had to be first certified.

Fred J. Kellenbeck, Newark, N. J. (p. 73) : This case is not within the jurisdiction of the commission. The letter submitted in this case refers to an examination held by the New Jersey State Civil Service Commission.

Ellis Pugh, Philadelphia, Pa. (p. 71) : Complaint is made by Mr. Ellis Pugh because of the promotion of Mrs. Helen Klein in the Philadelphia Mint. The only thing the Civil Service Commission had to do with this case was in determining the examination status for promotion of Mrs. Klein. Prior to her promotion she had been employed temporarily, and although her work had been that of a noneducational position, she had passed the clerk examination and had served for some time in the mint. The promotion itself is within the jurisdiction of the office in which the person is employed, and the commission's only authority is that of passing upon the qualifications of a person proposed for promotion when the position to which persons promoted requires different qualifications from those required in the lower-grade position. Mrs. Klein having been under temporary appointment and having passed the clerk examination, the commission was, in the opinion of the committee, justified in approving her promotion.

Albert J. Petrie, New Orleans, La. (p. 73) : Complaint is made by Albert J. Petrie, of 5703 Chartres Street, New Orleans, that "controlling Government offices are secretly but very effectively preventing the appointment of former soldiers to civil-service positions,



etc.;" further charging that certain individuals of the United States Civil Service Commission are "crooked beyond doubt," and stating that he can furnish the "inside dope," affidavits, and convincing evidence to prove this charge, if desired, and that he will testify before an investigation committee if necessary. The committee have not felt called upon to make inquiry into the charges made by Mr. Petrie. The record of all specific cases which have been referred to the committee and about which the committee has made inquiry is in itself a refutation of the wholesale charge made by Mr. Petrie. It is not believed that he has in his possession any information which will impugn the integrity of the commission in the matter of civil-service examinations.

Walter B. Sweeney, railway mail clerk (p. 108): A letter from the mother of Walter B. Sweeney, charges in effect that her son's papers in the examination for railway mail clerk were improperly rated. The commission in its memorandum sets forth the ratings assigned to Mr. Sweeney in the various subjects, examination in which is required. His general average is 64.40. Mr. Sweeney showed that he possessed certain preliminary qualifications, but could not satisfactorily pass the written examination. The commission says that his ratings were determined by comparison of his answers and other work with known and accepted standards and are not open to errors of judgment on the part of the examiners. It would appear that on a careful reconsideration of Mr. Sweeney's ratings, the commission concluded that the original ratings should stand.

In view of the readiness of the Civil Service Commission to furnish full data from its records relating to the methods and procedure of the examination and certification of the various candidates for the position of postmaster and other positions in the civil service, which methods and procedure were brought into question by the statements made to and letters filed with the committee, the committee did not deem it necessary to subpoena as witnesses individual members of the examining division or of the commission itself to testify before the committee. The committee is satisfied that the course pursued was a just and proper one and that the personal attendance and testimony of the witnesses representing the commission or the examining division would have led in no case to a different result or conclusion. The committee itself was given to understand that the records of the commission were open to inspection at any time by the members of the committee and in cases where the record was in fact examined by the committee it was found that there was more to justify the action of the commission in its certification of eligibles than the memoranda submitted by the commission disclosed.

Considerable controversy over certification and nomination of candidates for various places has arisen out of the highest three eligibility rule. It is a question whether or not there would have been less of complaint had the original rule requiring the certification of the highest eligible still prevailed. But this is a matter of policy which is not within the scope of the inquiry conducted by this committee under Senate Resolution 199.

From the investigation made of each and every case submitted to the committee and in regard to which some complaint had been made,



your committee is of the opinion that the Civil Service Commission and its examining division have themselves been free from political bias or prejudice in their work of examining and certifying candidates and eligibles for appointment and that they have not been influenced in the ratings made by pressure from the outside.

Mistakes may have been made; in a work of such magnitude as that imposed on the Civil Service Commission and its examiners, it would be wonderful if there were not some mistakes. The examples here given among the many thousands which come within their jurisdiction, show the great care and discriminating judgment they must necessarily exercise in order to do justice among a number of applicants, all perhaps qualified, but not equally qualified, for the place. But these examples would indicate also that the mistakes are surprisingly few in number and that such as may have been made are due to errors of judgment and not to any wrong or improper intent. Candidates and the public as well should appreciate the fact that as to postmasters of the first, second, and third classes, it is the President who appoints; that whatever the number of eligibles, only three can be certified, and of the three, only one can be selected for appointment, and when the Civil Service Commission has made final certification of the highest three eligibles its work is done. Judged alone by the cases presented, your committee believes that the work of the commission has been ably and conscientiously performed, and that political influence has not been used, or, if sought to be used, has had no effect, in the examinations conducted under the supervision of the commission, or in the making or alteration of grades, and that acts of Congress and Executive orders giving preference to ex-service men in appointment to office under civil-service regulation have been observed by the commission and its examiners.

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